

**THE HALACHA IN THE TARGUM TO THE TORAH
ATTRIBUTED TO YONATAN BEN UZZIEL**

Harris Samuel Freedman

University College London

PhD Thesis

September 1999.



Dedicated to the Memory of

Michael Weitzman זצ"ל

my Teacher and Supervisor

Scholar, Sage and Most Gentle of Men

שמר תם וראה ישר כי אהרית לאיש שלום

ABSTRACT

The halachic interpolations and expansions in Targum Pseudo-Jonathan are derived either from the Targumist's independent reasoning, or from his use of rabbinic traditions and compilations. All the halachic material can be classified in one of three ways: 1) that which is intended to clarify the meaning of the Masoretic text; 2) material which results from Midrashic and exegetical techniques; 3) material which explains how a particular law was carried out.

The Targumist made significant use of Mishnah, Mechilta, Sifra, Sifrei Numbers and a text similar to Midrash Tannaim. There is also regular use of Halachic Targumic Traditions. There is no evidence of use of Pirkei d'Rabbi Eliezer.

A few halachic comments were identified which cannot be attributed to any known rabbinic source, and which do not seem to have been derived independently. The number of these comments is no more than one would expect to find in a Palestinian work of this period.

We suggest that when the Targumist used his independent reasoning, this was either because he did not have relevant rabbinic material available, or because he felt that the information presented by the sources was inadequate for his purposes.

Once the Targumist's techniques are understood, there remains no evidence which suggests a pre-Mishnaic origin of any of the halachic material in the Targum. We can support the results of Shinan and others who have investigated the aggadic content of the Targum and propose a date of seventh or eighth century. We have no evidence to support Shinan's claim that the author of PsY wove his own material into a single extant Palestinian Targum. The author may have had several targumic versions available in addition to his rabbinic sources, and selected material as he felt appropriate.

The information that he provides concerning the application of the law is moderated by the constraints of the biblical text; whilst his frequent agreement with minority opinions suggests that his intention is not to produce an authoritative manual on religious law and practice. The probability is that the Targum was written for the school house, as a tool which allowed the student to see the relationship between the Pentateuch and practical law.

CONTENTS

ABSTRACT.....	2
INTRODUCTION	4
MATERIAL THAT SHOWS AN AFFINITY WITH RABBINIC SOURCES OR TARGUMIC TRADITIONS	24
CLARIFICATION OF TEXT	24
MIDRASH-TYPE AND EXEGETICAL INTERPRETATIONS	29
DESCRIPTIONS OF HOW THE LAW IS APPLIED IN PRACTICE.....	37
<i>a) Material in PsY that correspond to opinions in halachic sources.</i>	38
<i>b) Material that bears some resemblance to known rabbinic traditions, but which differs to some degree.</i>	79
<i>c) Selected quasi-legalistic material</i>	101
TARGUMIC TRADITIONS	105
RED HEIFER TRADITION	115
TARGUM PSEUDO YONATAN AND PIRKEI D'RABBI ELIEZER	129
MATERIAL THAT DOES NOT SHOW AN AFFINITY WITH KNOWN TRADITIONS, BUT THAT IS ATTRIBUTABLE TO THE TARGUMIST'S INDEPENDENT REASONING.	139
LITERAL TRANSLATIONS	139
CLARIFICATION OF THE TEXT	140
MIDRASH-TYPE AND EXEGETICAL INTERPRETATIONS	150
DESCRIPTIONS OF HOW THE LAW IS APPLIED IN PRACTICE.....	157
TRANSLATIONS AND EXPANSIONS OF UNCLEAR ORIGIN.....	167
CONCLUSION.....	175
APPENDIX I- CLASSIFICATION OF VERSES.....	192
APPENDIX II- THE HALACHA IN PRE.....	201
BIBLIOGRAPHY AND ABBREVIATIONS.....	219

INTRODUCTION

The Targum to the Torah attributed to Jonathan ben Uzziel and known as Pseudo-Jonathan (henceforth PsY) is the most expansive and interpretative of all the surviving Pentateuchal Targumim. PsY contains a phenomenal number of aggadic and halachic additions, interpolations and interpretations which are woven into the translated text, sometimes clumsily, sometimes with great literary skill.

As a genre, Targum (the translation of the biblical text into Aramaic) dates back to the earliest public readings of the Torah. According to the Talmud¹ following the return from Babylon, Ezra read the Torah, together with a Targum, to the assembled masses. Mishnah Megilla Chapter 4 includes the rules of targumic delivery in the synagogue. The earliest Targumim were not to be read, they were delivered orally. Today all the surviving Targumim are written. One of the questions surrounding PsY, as with other Targumim, is whether it started out as an oral Targum which later was written down, or whether it was composed as a written work.

As a result of its inclusion alongside other commentaries in many editions of *mikraot gedolot*, the “rabbinic bible”, PsY has become widely known in Jewish academic and religious circles. Its expansive nature has fascinated both general readers and scholars. Nevertheless, it appears that the interest in PsY is comparatively recent; there is very little evidence that PsY was considered to be a significant work by medieval scholars.

The first recorded mention of PsY is by the early fourteenth century Italian Kabbalist Menahem Recanati in his commentary to the Torah. His quotations from a Targum to the Torah written by “Yonatan ben Uzziel” correspond to those found in PsY. The Italian author Eliyahu Bahur (1469-1549) laments the loss of the Targum that Recanati knew but Azariah di Rossi (1511-1578) claims to have seen the manuscript, which he refers to as Targum Yerushalmi².

The first printed edition, *editio princeps*, of the Targum appeared in a rabbinic bible published by Asher Forins in Venice in 1590-1, under the name “The Targum of the Holy Yonatan ben Uzziel”. The mysterious Yonatan ben Uzziel³ is traditionally considered to have composed the Targumim to the books of the Prophets. It is surmised that our Targum became attributed to

¹ B. Megillah 3a, citing Nehemiah 8,8 “And he read in the book of the Law clearly (מפורש). מפורש - *this is the Targum*”.

² M. Ginsburger, *Targum Pseudo Jonathan ben Uzziel zum Pentateuch*, (Berlin, 1903). p. VIII; D.M. Splansky, *Targum Pseudo Jonathan- its relation to other Targumim, use of Midrashim and Date*, (unpublished dissertation, Cincinnati 1981), p. 17; W. Bacher, “Targum” in *Jewish Encyclopedia*, Vol X11, (New York, 1916), 60.

³ “When he was sitting and occupying himself in Torah, any bird that flew above his head was burnt”, B. Babba

him because of a scribal error, reading י"ן as Targum Yonatan rather than Targum Yerushalmi⁴. Today the Targum is generally referred to as Targum Pseudo-Jonathan.

Only one manuscript of the Targum survives. This was noticed at the end of the nineteenth century in the British Museum. Manuscript Add. 27031 is of Italian provenance, and dates from circa 1590. This manuscript and the *editio princeps* are the only primary sources that we have of Targum Pseudo Jonathan. There are minor omissions in the text of each. "The difference between the lines missing from the *editio princeps* and those missing from the London manuscript shows that these are most likely to be scribal errors which were simply not "filled in" by correctors."⁵

The absence of any reference to, or direct quotation from, our Targum prior to the 14th Century suggests, as noted above, that it was a little known work, that had either been lost at an early date, or consciously rejected by early scholars. Shinan argues that its popularity today is a direct result of the decision of Asher Forins to include it in his printed Bible of 1590-1591⁶, from where it was copied and re-copied in dozens of subsequent editions of printed Bibles.

One of the most prominent features of PsY is its aggadic content. "...PsY contains hundreds of (h)aggadic expansions that are not found in the other Targumim and it preserves many (h)aggadic traditions whose sources are unknown".⁷ Because of its striking nature, most of the work carried out on the structure and form of PsY has primarily been through analysis and study of the aggadic content. The halachic material contained in the Targum has been the subject of far less comment. Academically at least, halacha and aggada appeal to separate fields of interest and it is understandable that individual researchers may choose to concentrate on one area or another. However, when trying to ascertain the origins of, and influences on, a document that contains remarkable material in both of these areas, clearly a more integrated approach needs to be taken. A full understanding of the Targum will only come about when the halachic material has been the subject of in-depth investigation. In the case of this Targum, we have to verify that conclusions that have been reached through a study of the non-legal content, can be maintained when tested against the legal material.

Kamma 134a.

⁴ L. Zunz, *Die Gottesdienstlichen Vorträge*, (Frankfurt, 1892) p. 71.

⁵ M. Morgenstern, *The Aramaic Versions of the Torah: Problems and Sources*, (Unpublished thesis, University College, London), p.16.

⁶ A. Shinan, *Targum V'Aggada Bo*, (Jerusalem, 1992), p. 40.

Date of PsY

The liturgical and educational function of the Targum are attested in the earliest strata of Rabbinic literature. Mishnah Megillah 4, 4 provides the basis for the rules governing the delivery of the Targum. M. Megillah 4, 9-10 proscribes particular translations that were presumably once current, and cites biblical passages that are not to be translated.

Specifically, M. Megillah 4,10 prohibits the translation of Genesis 35, 22, Exodus 32, 21-5 & 32, 35, and Numbers 6, 24-6. The passages from Genesis and Exodus are prohibited presumably because the congregation were not to be exposed to topics which brought shame upon their ancestry. The ban on translating the third- the priestly blessing- may result from the introductory phrase **Thus shall you bless the Children of Israel** i.e. in these precise words- you are not permitted to bless them in the vernacular. Yet PsY not only translates all these passages (as indeed does Onkelos), but in characteristic fashion he expands the text of the priestly blessing. However he introduces his translation of this latter passage by quoting the Hebrew words verbatim. In this way he shows that he is sensitive to rabbinic rules and provides evidence that the priestly blessing was not recited in the vernacular.

PsY's disregard of the targumic procedures prescribed in the Mishnah led some scholars to conclude that it pre-dated the Mishnah. Kahle⁸ formulated the theory that what is anti-Mishnaic is necessarily pre-Mishnaic and that PsY contains elements of a pre-Tannaitic Halacha. This is also the view of Geiger, Churgin, and M. Kasher⁹. The underlying view here is that once it was redacted the Mishnah necessarily had absolute authority. Therefore anything which contradicts it must be older.

Against this Albeck¹⁰ argued that the Targumist was not a sage, had no legal authority in his community and that his renditions of halacha were not intended to be authoritative. His function was as a translator and the legal statements he makes were either drawn from sources that he had access to (not all of which have survived to our time) or because he felt that his exegesis represented the most accurate translation of the biblical text. At times, Albeck notes, PsY's opinion contradicts established halacha but corresponds with one of the biblical commentators,

⁷ M. Maher, The Aramaic Bible: Vol 1B Targum Pseudo Jonathan: Genesis, (Edinburgh, 1992), p.5.

⁸ P. Kahle, The Cairo Genizah, (Oxford, 1959), p.194.

⁹ A. Geiger, HaMikra VTargumav, (Jerusalem, 5709), pp. 314-5; P. Churgin, "HaHalacha b'Targum Onkelos", Horeb, 9, (1946); pp. 79-93. M. Kasher, Torah Shelemah vol. 24, (Jerusalem, 5741).

¹⁰ C. Albeck, "Halacha Hitzona b'Targumei Eretz Yisrael uv'Aggada", B.M. Lewin Jubilee Volume, ed J.L. Fishman, (Jerusalem, 1940), pp 93-104.

such as R. Samuel b. Meir, R. Moses b. Nahman, R. Abraham b. Ibn Ezra, or indeed even with a Karaite opinion¹¹. This is not because there was a pre-Tannaitic tradition, but because “different opinions and thoughts regarding biblical exegesis were never prohibited in Israel”¹². PsY is not of course dependent on these later authorities. He lived before Palestine had ceased to be a centre of creative literary activity. The medieval commentators flourished long after that period. He wrote in Aramaic which in their times had been displaced by Arabic or medieval Hebrew as the language of scholarship.

Heinemann¹³ counters to Albeck that even though the Targumists were not the greatest of all sages, they nevertheless had a liturgical role and were transmitters of tradition. Their audience was a lay population whose only exposure to religious education was in the synagogue. The Targumists therefore had a responsibility to hand down the rulings of the rabbis. Since PsY appears to give rulings which are not consistent with rabbinic halacha, it must be pre-rabbinic. Heinemann reaches the same conclusion as Kahle who sees evidence of a pre-Tannaitic halachic tradition. He cites Neofiti and the Genizah Fragmentary Targum to Exodus 22,4, as evidence of this tradition.

Exodus 22,4 is used in the Talmud¹⁴ as the sole source verse for the class of civil damages known as נזק- predictable damage resulting from a lack of due care. The Genizah Fragmentary Targum and Neofiti translate the key word בער according to its other root meaning of “fire” rather than connecting it with בעיר, *animal*, which is how the Talmud understands it. This makes sense contextually, since the same root appears in the next verse where it clearly has the meaning of “fire”. But according to these Targumim therefore there is no textual basis for the category of נזק. This at a stroke negates a principle of rabbinic civil law. PsY however follows the rabbinic tradition.

The mention of the High Priest Yohanan in PsY to Deuteronomy 33,11 has also been considered to be critical evidence in determining the date. Heinemann¹⁵, following Geiger sees this as evidence of extreme antiquity, Yohanan probably being Yohanan ben Hyrcanus (John

¹¹ *ibid.*, p.104.

¹² *ibid.*, p.94.

¹³ J. Heinemann, “Targum Exodus 22:4 and Early Halacha”, *Tarbiz*, 38, (1968-9), p. 294.

¹⁴ B. Bava Kama 2b.

¹⁵ J. Heinemann, “Early Halacha in the Palestinian Targum”, *Journal of Jewish Studies*, 25, (1974), p 116.

Hyrcanus, 135-104 BCE) a Hasmonean priest-king¹⁶. If so, we may have here a fragment dating back to the first century BCE.

The debate between Cain and Abel, (PsY to Genesis 4, 7-8) which is a polemic against those who deny the existence of the hereafter, is seen by Vermes as an anti-Sadducee polemic, and hence early. The exegesis of Cain killing Abel by driving a stone into his forehead agrees with the Book of Jubilees, indicating that this too is ancient. By setting the events at the 14th of Nisan, PsY exhibits a pre-Christian tendency to date all great events as occurring at the time of Passover¹⁷.

However PsY to Genesis 21,21 names Ishmael's wives as Adisha and Fatima, who were in fact the wife and daughter of Mohammed. Similarly M. Ohana¹⁸ sees PsY's treatment of Ishmael in Genesis 21,9-21 as strong evidence of an assault on Islam. These influences cannot be earlier than the seventh century.

Many researchers have sought to resolve this contradiction. Heinemann¹⁹ claims that although PsY contains much material from an early period, "one cannot ignore the fact that...there is also late material which proves that the extant text was not edited before the eighth century". Shinan²⁰ however argues against this view, stating that Yohanan is the only post-biblical character²¹ mentioned in PsY and one must therefore query the validity of the text. He hypothesises that Yohanan is actually a textual corruption of Aaron, who would fit into the context of the verse far better.

PsY to Numbers 24,19 mentions the city of Constantinople. This city was founded in 324 CE on the site of the ancient Byzantium. This again offers evidence that PsY contains elements which are far later than the Mishnaic period.

The most recent debate on the date of PsY has been between Hayward and Shinan and turns in part on the relationship between our Targum and PRE, and on whether or not PsY depended

¹⁶ A. Geiger, *HaMikra* p 314.

¹⁷ G. Vermes, "The Targumic Versions of Genesis 4:3-16", *Annual of Leeds University Oriental Society*, 3, (1961-2), pp. 81-114.

¹⁸ M. Ohana, "La polemique Judeo-islamique et l'image d'Ismael dans Targum Pseudo Yonatan et Pirkei d'Rabbi Eliezer", *Augustinianum*, XV, (1975), pp 367-87.

¹⁹ J. Heinemann, "Early Halacha", p 121.

²⁰ A. Shinan, *Targum V'Aggada Bo*, pp. 194-5.

²¹ Shinan is presumably referring to characters in the Jewish tradition, since Adisha and Fatima are also both post-biblical.

upon the latter. Hayward's study of PsY to Genesis 27²² had led him to note the "affinity of some of its exegesis with the work of Philo." Hayward considers that this "speaks of a potentially pre-Christian origin for at least some of the exegetical material in the Targum".

Shinan in contrast considers that PsY is in part dependent upon PRE. He therefore ascribes a date of no later than mid eighth century to the final version of PsY²³.

Hayward sees no direct dependence of PsY upon PRE, and in a series of articles he and Shinan dispute this issue. Hayward's central point is that if PsY cannot be considered to be dependent upon PRE, then this deals a serious blow to those who support the late dating of PsY. He suggests that the mention of Adisha and Fatima in Genesis 21,21 could have been inserted by a later copyist²⁴. The discussion between Hayward and Shinan will be treated more fully in a later section (below, page 129 ff.).

In a later article Hayward researched PsY's treatment of the Red Heifer and suggested a date no later than the late fourth century²⁵. We will discuss this subject in detail (below pages 115 ff) and comment on Hayward's suggestions in the Conclusion.

One of the tasks of this thesis will be to discover whether an analysis of the halachic content of PsY can assist in the debate as to the date of composition of the work.

The Literary Character of PsY: Base Text, Interpolations and Language

It has long been recognised that PsY contains many similarities to Onkelos although "how the similarities are explained is a matter of debate"²⁶. Ginsburger, Diez Macho and Le Deaut²⁷ regard PsY as a Palestinian Targum modified under the influence of Onkelos, Maher²⁸ considers this to be the view commonly held today.

²² C.J.R. Hayward, "The Date of Targum Pseudo-Jonathan", Journal of Jewish Studies, 40, (1989), p.29.

²³ A. Shinan, Targum V'Aggada Bo, p. 198.

²⁴ C.J.R. Hayward, "Pirke de Rabbi Eliezer and Targum Pseudo Jonathan", Journal of Jewish Studies, 42, (1991), p.243.

²⁵ C.J.R. Hayward, "Red Heifer and Golden Calf: Dating Targum Pseudo Jonathan", Targum Studies Vol 1, ed. P.V.M. Flesher, (Atlanta, 1992), pp. 9-32.

²⁶ M. Maher, Aramaic Bible Vol. 1B, p.1, n5.

²⁷ M. Ginsburger, Targum Pseudo Jonathan; A. Diez Macho, "The Recently Discovered Palestinian Targum; its Antiquity and Relationship with the other Targums", Supplement to Vetus Testamentum, 7, (1960) pp. 239-245; R. Le Deaut, Introduction a la Literature Targumique, (Rome, 1966), pp. 97-101.

²⁸ M. Maher, Aramaic Bible Vol. 1B, pp 1-2.

P.S. Alexander shows a clear interrelationship between the Pentateuchal Targumim; both Onkelos and the Palestinian Targumim derive from an “Old Palestinian Targum”, the Palestinian Targumim constituting one branch of the tradition and Onkelos another²⁹. PsY belongs to the family of Palestinian Targumim and is categorised as a Type A Targum, the distinguishing characteristic of which is a base translation and detachable glosses³⁰.

All Targumim contain some interpolated material. A. Samely sees a targumic strategy in which “frequently carefully crafted symbiosis of literalness and deviation has the following aspects: a) As much of the wording of the Hebrew original as possible is preserved by lexeme equivalence. b) At the same time, the range of meaning of these terms is narrowed down or modified by a new linguistic neighbourhood created by the targumist. In the case of single words the addition may take the form of a genitive object, a direct or indirect object, or an adjective. In the case of whole sentences...the addition can be a word, a clause, an independent sentence or a number of sentences...”³¹

A. Shinan shows that the aggadic traditions which PsY cites often occur in a more abbreviated form in other Targumim. He argues that PsY inserted aggadic and halachic material into an existing Palestinian base text that was similar to Neofiti³². “We have to discriminate between (at least) two different layers in this Targum, the base layer which carries with it the underlying Shared Targumic Tradition of the Eretz-Yisrael Targumim; and the secondary layer which is specific to PsY.”³³

Shinan has postulated a view which implies that PsY was not a Targum in the conventional sense at all. “It is not the product of live translation in the Synagogue, which was spoken in public in conjunction with the reading of holy texts. It is a literary work whose text and final form were imparted in writing”³⁴. It is a literary re-working of an earlier Palestinian Targum, written for an educated audience. But Shinan reaches this conclusion from a study of only the

²⁹ P.S. Alexander, “Jewish Aramaic Translations of Hebrew Scriptures”, *Mikra*, ed. J. Muller, (Philadelphia, 1988), pp 243ff.

³⁰ *ibid.*, p 231.

³¹ A. Samely, *The Interpretation of Speech in the Pentateuch Targums*, (Tübingen, 1992) p.181

³² A. Shinan, *Targum V'Aggada Bo*, p. 46.

³³ *ibid.*, p.46

³⁴ *ibid.*, p. 46.

aggadic material in PsY in comparison with the other Palestinian Targumim. He leaves it to others to investigate the halachic elements³⁵.

Interpolating into a text will often require some grammatical adjustment of the original framework in order to dovetail it in without it grating on the reader. Yet Shinan shows³⁶ that there are times when the grammatical adjustment has not been made (e.g. Numbers 14,37)³⁷, indicating that an interpolation has been made, but clumsily. Such cases are however rare and in general Shinan accounts for the structure of PsY very neatly, demonstrating that the aggadic interpolations can be 'lifted out' leaving an Aramaic translation which corresponds closely with the original Hebrew text³⁸. This feature is not however confined to PsY; as we have already noted it is the defining characteristic of Type A Targum.

Morgenstern regards the fact that the base-text of PsY was a Palestinian Targum to be "quite well proven by Diez Macho, who shows that in those sentences where Onkelos and the Yerushalmi traditions contain virtually identical translations, PsY uses the Targum Yerushalmi adverbs, conjunctions and prepositions; if Onkelos were the base text we would expect to see these only where it has been necessary to borrow material, not as standard."³⁹ Morgenstern cites the other evidence brought by scholars which support this view, including Lund & Foster and Meehan who consider the base text to be found in the marginal glosses in Neofiti⁴⁰.

Cook⁴¹ notes that whilst the dominant dialect in PsY is Western Aramaic, it nevertheless contains many features that occur in Eastern Aramaic. Onkelos and Targum Jonathan may have originated in Palestine but are generally considered to have been redacted in Babylon⁴² and thus contain many Eastern Aramaic features. In the Pe'al imperfect of הוּי, PsY more frequently uses the same forms as Onkelos and Targum Jonathan to the Prophets, i.e. יהוּי, תהוּי whilst the other

³⁵ *ibid.*, p 193.

³⁶ *ibid.*, p. 55ff.

³⁷ PsY expands **And the men who brought an evil report concerning the land died in a plague before the Lord** to **And the men who brought an evil report concerning the land died on the seventh of Elul and worms came out of the bellies and went into their mouths and ate their tongues with their palates and they were buried in a plague before the Lord**. The expansion would fit more easily at the end of the sentence.

³⁸ A. Shinan, *Targum V'Aggada Bo*, pp. 47-60.

³⁹ M. Morgenstern, *The Aramaic Versions of the Torah*, p 44.

⁴⁰ *ibid.*, p. 44.

⁴¹ E.M. Cook, *Rewriting the Bible: The Text and Language of the Pseudo-Jonathan Targum* (Unpublished PhD dissertation, University of California Los Angeles, 1986).

⁴² P.S. Alexander, "Jewish Aramaic Translations".

Palestinian Targumim use the longer יהוי, תהוי. In his choice of translations PsY regularly follows Onkelos in casting the Hebrew שוב as טוב whilst the Palestinian Targumim use חזר. There are particular words which PsY translates in accordance with Onkelos some of the time and with the Palestinian tradition as other times. So he renders the verb נגד (to tell) in Hebrew either as דווי, which is Onkelos' standard form or as תני as the Palestinian Targumim. On occasion PsY's infinitive forms are those used by Onkelos rather than Palestinian Aramaic. PsY prefers to use pronominal suffixes attached to the verbs, as do Onkelos and Targum Jonathan, the Palestinian Targumim tend to attach them to ית-.

Maher⁴³ lists further occasions where PsY agrees with Onkelos against Neofiti. The verb עשה, for example, in the context of sacrifices is translated as עבד rather than קרב; תנופה is rendered as ארמא or ארמותא rather than אנפו and the Hebrew word סגר is translated by PsY and Onkelos by its Aramaic cognate, whilst Neofiti uses טרד.

All these similarities to Onkelos occur in PsY in the underlying translated material as well as in the interpolations. That is to say, if we removed the interpolations, we would have a base text that used words and grammatical forms which bore a resemblance to those in Onkelos as well as to those in the Palestinian Targumim.

Clarke⁴⁴ suggests that the mixture of dialects in PsY may reflect the vagaries of rabbinic copiers whose familiarity with Aramaic was limited to liturgical and Talmudic literature.

Cook maintains that the language of the Targumim to the Hagiographa is similar to that of PsY. He sees these as an artificial mixture of Aramaic dialects which was never used in the vernacular. It is a literary language, but is consistent in the way that it mixes elements from different dialects so that it constitutes a new dialect in itself.⁴⁵ Cook's research indicates that there are no linguistic clues as to what comprises base text and what has been inserted.

One of the tasks of this study is to test the base-text, two-stage theory in the light of what we may discover about the halachic content of PsY.

⁴³ M. Maher, The Aramaic Bible Vol 3: Targum Pseudo-Jonathan: Leviticus, dir: M. McNamara, (Edinburgh, 1994), pp. 115-119.

⁴⁴ E.G Clarke, The Aramaic Bible Vol 4: Targum Pseudo-Jonathan: Numbers, dir: M. McNamara, (Edinburgh, 1996).

⁴⁵ E.M.Cook, Rewriting the Bible, p. 36.

The Author of PsY

Shinan's theory that PsY is a literary text, in which material was inserted into an existing Palestinian Targum that was consequently modified, implies that the work owes its existence to one person. On this view, it was a single author who took the decision to produce the Targum, who decided which text to use as a base, what material was to be included and what modifications were to be made to the base text.

Cook's view, that PsY is uniformly written in a literary Aramaic dialect, also suggests a single author. Heinemann, who considers that the text contains early material yet received its final editing in the eighth century, must see PsY as the product of successive generations. Hayward, who states that the mention of the wives of Muhammed in Genesis 21,21 may be the work of a "modernising copyist"⁴⁶, also therefore sees more than one hand at work.

The question of the authorship of PsY is entwined with that of its date and literary character. The conclusions that we reach through this study may cast some light upon the origins and authorship of the Targum. There will be times in this study when we may need to put ourselves into the mind of, or to refer to, "the author" of the Targum or to a character whom we call "PsY". These references should not be understood as in any way pre-empting the conclusions we may reach. They are a convenient shorthand to refer to the compiler or redactor who finalised the particular passage under discussion.

Halacha in the Targumim

Before we can discuss the halacha in PsY we need to clarify what exactly we mean by halacha in the context of a Targum. In modern parlance the word halacha refers both to the corpus of Jewish law and to any individual law within that corpus. The word occurs in M. Orlah 3,9 where it seems to mean an established tradition, as in the talmudic phrase "halacha given to Moses on Sinai"; halacha in this context means the way that things have always been done. The Talmud also uses the word halacha (or its Aramaic cognate), occasionally in the form of a question (הלכתא כזא), but more often in a prescriptive sense. In either usage the intention of the Talmud is to establish the authoritative legal ruling in a particular case (although later rabbinic authorities do not always concur with the rendered decision).

But an important feature of rabbinic texts up to the close of the Amoraic period is that, rather than offering a definitive legal code, they offer a range of legal rulings or debates. The Mishnah

⁴⁶ C.J.R.Hayward, "Pirke de Rabbi Eliezer and Targum Pseudo Jonathan", p. 243.

frequently cites more than one opinion, the Talmuds only occasionally offer an incontrovertible ruling. The process of codification receives more attention than its results. It is not until the Geonic period that rabbinic scholars actively begin to codify the laws, generally as a result of specific enquiries directed at them by individuals or communities.

By contrast, the Pentateuch does offer legal rulings. The vast majority of these rulings require interpretation and qualification, this is what gives rise in large part to the legal sections of the Mishnah and Talmud. But irrespective of the lack of precision with which Pentateuchal law is expressed, the absolute way in which laws are prescribed makes it different in form from the much later rabbinic legal material.

The Pentateuch is of course the foundation upon which the rabbinic system of law is built. Many laws are derived exegetically from the biblical text, using hermeneutical systems⁴⁷. Others are derived independently but support for them (*asmachata*) is found in a biblical verse⁴⁸. Still others bear little or no relation to the Pentateuchal text⁴⁹.

The targumist then finds himself obligated to two different systems of legal thought. The Pentateuch is his raw material, he is constrained by its text; the task of the *meturgeman* in the Synagogue was to convey the meaning of the text to an audience which may not have understood the source language⁵⁰. Yet evidence from the rabbinic sources themselves show that targumic activity flourished throughout most of the rabbinic period, which was when the rabbinic legal system emerged and developed. The targumist could not have been ignorant of this system and its central position in the development of Jewish religious life..

The rabbinic legal system was transmitted orally. Although the Mishnah was set down in writing, cultural and economic requirements meant that it was recited from memory by a Tanna

⁴⁷ The three most prominent definitions of hermeneutical rules are: Hillel's 7 rules in T. Sanhedrin 7,11; Rabbi Ishmael's 13 rules, which constitute the introduction to Sifra under the rubric *baraita d'rabbi Ishmael*; the 32 middot of R. Eliezer b. Yose Ha-Galili, the source of which appears to be Mishnat R. Eliezer (cf. H.L. Strack & G. Stemberger, Introduction to the Talmud and Midrash, trans. M. Bockmuehl, (Edinburgh, 1991) p. 26.

⁴⁸ e.g. Hullin 64a-b, Berachot 41b and frequently elsewhere.

⁴⁹ M. Hagigah 1,8: (The laws concerning) release of vows hover in the air and have nothing to support them. Maimonides, Mishnah Torah, Hil. Shevuot 6:2 writes "(The absolution for oaths) has no basis whatsoever in the written Torah."

⁵⁰ Morgernstern, The Aramaic Versions of the Torah, p. 10, cites Rabin, "Hebrew & Aramaic in the First Century" in The Jewish People in the First Century, ed. S. Safrai and M. Stern, Assen/Amsterdam 1976 and discusses the problem of why an Aramaic Targum was necessary in a period when Mishnaic Hebrew seems to have been understood. "The Targum sought to render into more simple language a text for those who might have found parts of it obscure. The reason for translating into Aramaic lay in the desire of the rabbis to distance the translation from the original..."

to students and scholars in the Academy⁵¹. The targumist, who was familiar with the Mishnah⁵² and who also practised an oral craft from memory may well have been tempted to adopt Mishnaic style, offering more than one legal opinion when he saw fit. Had he done so we may have been able to claim that he saw a role for himself within the process of legal debate. That we do not see any evidence of this seems to indicate that the Targumists did not consider themselves to be responsible for conveying the rabbinic legal debates to synagogue congregations.

But although the Targumists do not convey the legal debates, PsY does make legal statements. What then are we to make of these? What is the character of halachic material in PsY?

It seems that three distinctions need to be made at the outset:

1. We need to discriminate between prescriptive and descriptive legal statements. For example, Numbers 9,6: **And there were men who were unclean through the corpse of a person** (וַיִּהְיוּ אֲנָשִׁים) speaks of those who could not partake in the paschal sacrifice due to ritual impurity. PsY interpolates *through the corpse of a person who died suddenly by them and the commandment (to bury) him was cast upon them*. This almost certainly parallels the comment on this verse in Sifrei Numbers 68 (p.63): *R. Yitzhak said 'Who were they? Those under the obligation to bury a body* (מִת מִצְוָה). Sifrei Numbers' statement is probably an illustration of those who may be excluded from the sacrifice, rather than restricting the law to that particular group alone⁵³. PsY's is then not an halachic remark- i.e. one intended to define or clarify a law, but a non-prescriptive illustration of those who may find themselves falling foul of the law. But taken on its own, PsY's remark could be interpreted as restricting the law only to those who performed a burial, rather than anyone who has come into contact with a corpse. It is only by identifying his source as Sifrei Numbers that we recognise that he is not making an halachic statement; he is not defining or clarifying the law.

⁵¹ Sotah 22a; H.L. Strack & G. Stemberger, Introduction to the Talmud and Midrash, pp13-14.

⁵² That the *meturgeman* was expected to be aware of the Mishnah and rabbinic legal traditions is evident both from the Mishnaic and Talmudic prescriptions regarding the manner in which the Targum was to be delivered, (irrespective of the degree to which these prescriptions were obeyed). The following chapters will present considerable evidence to show that PsY at least was familiar with the Mishnah, as was the Targumic Tradition.

⁵³ The passage in Sifrei is quite clearly illustrative, it cites a number of biblical characters to whom the law applies before concluding with the statement that (presumably in this instance) it was those who were *under the obligation to bury a body*.

2. There is a distinction between cases where the Targumist seems to be deliberately expressing a legal opinion, and those where he is drawing out a point of interest in, or clarifying the meaning of, the source text. Leviticus 7,27 for example reads: **Anybody who eats any blood, that soul shall be cut off from his people.** PsY translates this as: **Any man who eats any blood of anything that lives ...** One could interpret this to mean that PsY intends to forbid the eating of the blood of fish⁵⁴. In fact PsY interpolates *anything that lives* in order to bring the force of the Hebrew **any blood** (literally **all (כָּל) blood**) to the attention of his audience. The Hebrew could have stated “Anybody who eats blood”, the additional word **כָּל** is therefore apparently redundant. PsY finds a purpose for this word by treating it as a point of stress, and interpolates a phrase which allows that stress to be noticed by his audience. He is making an exegetical remark, not an halachic one.

3. We need to distinguish between statements that convey legal rulings and those which illustrate what he feels to be the most likely way a precept may be carried out, using terms with which his audience may be familiar with from their own experience:

In the first category, PsY to Leviticus 11,36 reads: **But a fountain or a pit, a gathering of running water shall be pure**, interpolating *running* into the Hebrew מֵי־מְקוֹה - **a gathering of water**. The Hebrew word מְקוֹה comes from a root that implies flowing together. PsY’s **gathering of running water** draws out this meaning. It also conforms with Sifra (Shemini Parasha 9,3) which prescribes running water for those natural pools that are to be used ritually, whereas stagnant water will suffice for a purpose-built mikveh. It is therefore a legal statement, prescribing running water for ritual purification in a natural pool.

By contrast, on Numbers 5,17 he explains how a ritual is performed by introducing an artefact that is not required by rabbinic legislation: **And the priest shall take holy water from the laver in a ladle...** Although the **לַוַּי** is known to rabbinic literature⁵⁵, there is no known halachic source which states that it was used to take water out of the laver. It is likely that PsY is reading the experiences and practices of his own time back into the biblical text, or applying a ritual detail that was familiar to his audience. He is

⁵⁴ As does E. Yitzhaky, The Halacha in Targum Yerushalmi I, (unpublished Ph.D. Dissertation, Ramat Gan, 1982), p. 167-8 and *Perush Yonatan* to Leviticus 7,27.

⁵⁵ Y. Shabbat 3,4 (6a); B. Hullin 107a

not being prescriptive. A vessel was necessary to take water out of the laver, the כִּי־כֵל is what his audience would expect to use in that situation.

The Halachic Sources for PsY

As we have seen⁵⁶ Kahle, Geiger, Churgin, Kasher and Heinemann all see evidence of a pre-Tannaitic halachic tradition in PsY, whilst Albeck considers that Targumists functioned as translators and may have drawn on sources available to them.

Maori⁵⁷, through an investigation of the structure of the halachic interpolations in PsY, notes a literary connection between PsY and the Halachic Midrashim. He notes that on many occasions PsY reproduces the language and literary form of these works, and has a particularly close relationship to parts of Mechilta of Rabbi Yishmael, although often ignoring this work for no apparent reason. Henshke⁵⁸ in a recently published paper supports Maori by demonstrating that, in respect of Exodus 21,11 PsY conflates two separate opinions in Mechilta.

Maori accepts Shinan's conclusion that PsY interpolated into an existing base text. He concludes that not only were the aggadic passages drawn from a number of sources that the author had before him, but so too were the halachic passages. The "external" halachic rulings in PsY- i.e. those that appear to have no known parallels in rabbinic literature- are either drawn from early sources now lost, or possibly are products of the Targumist's own reasoning. Supporting Shinan, he considers PsY to be a literary Targum, designed to be read, that contains much that is a product of the author's independent reasoning. He recognises that much more work needs to be done before we can understand PsY's independent character, the way in which he incorporated material and his date.

Maori's conclusion that PsY made extensive use of then-extant sources in Hebrew is extremely important although he does not explain why PsY depends upon one particular Halachic Midrash in one place yet opposes it in another. He also notes⁵⁹ that PsY may have chosen to include hundreds of halachot, but there were many more that were eligible for inclusion, which he preferred to pass over.

⁵⁶ Above, p. 6f.

⁵⁷ Y. Maori, "Al Y'haso shel Targum HaTorah HaMeyuhas l'Yonatan ben Uzziel l'M'korot haHalacha", Te'uda, 3, (1983), pp 235-50.

⁵⁸ D. Henshke "L'Tiv Zikato shel HaTargum Hameyucas l'Yonatan l'Midrshai Hahalacha: l'Parshiyot Amah Ivriyyah" Tarbiz, 68, (1999) pp.187-210

⁵⁹ *ibid.*, p.240.

Yitzhaky⁶⁰, in a full and comprehensive review of the whole halachic content of PsY, cites over one hundred biblical verses in which the halachic opinion expressed “deviates from normative halacha”. He calls these “external halachot”⁶¹.

The study by Yitzhaky is the only systematic analysis of the halachic rulings in PsY. Although it remains unpublished it is a significant step towards our understanding of PsY's halachic priorities. It is cited regularly in scholarly works. Maher remarks that Yitzhaky “has done students of PsY a great service by identifying those texts where this Targum deviates from the accepted halacha...”⁶².

Yitzhaky notes that “after classifying and arranging the halachic material it became apparent to the writer that (PsY) contains much early material and much material notably in agreement with the school of R. Ishmael, and almost without any late elements.....The aggadic portions contain much more later material as is attested by scholars who have worked in this area of (PsY) research. This is in contrast to the halachic portions where, as stated, almost no later matter is discernible.”⁶³

There is a conflict between Maori's conclusions and those of Yitzhaky. Although they both recognise the affinity with Mechilta of R. Ishmael, there is disagreement over the date and composition of PsY. On the other hand, Maori and Shinan complement each other. The conclusions which Shinan has reached through his study of the aggadic content have been supported by Maori's research into the halachic. They consider PsY to be a literary work that received its form around the mid-eighth century. Yitzhaky regards PsY as substantially a far earlier work.

Maori's contribution to the discussion concerning the halacha in PsY is limited, it is based on only one paper in which he considers only a handful of halachot. Yitzhaky's research is comprehensive. Whilst we will refer to him often, we will see that his conclusions are frequently less than convincing.

Far more work needs to be done on the halachic content of PsY. Identification of PsY's halachic sources and the degree to which he made use of them will constitute primary aims of this study.

⁶⁰ E. Yitzhaky, The Halacha in Targum Yerushalmi 1, p 718.

⁶¹ *ibid.*, pp. ת”ז-ת”ח

⁶² M. Maher, Aramaic Bible Vol. 1B, p.3.

Targumic Traditions

The existence of targumic traditions is extremely important in assisting our understanding of the content of Targum.

Many Targumim overlap in content. Some of the material in every Targum, including Onkelos, can be traced back to the targumic tradition, perhaps the most striking of which is the exegesis on Exodus 23,19; 34,26 and Deuteronomy 14,21. PsY, Onkelos, FT and Neofiti all render **you shall not boil a kid in its mother's milk** as *you are not permitted either to cook or to eat milk and meat, combined together*; the reference to both the **kid** and its **mother** disappear. Similarly PsY, Onkelos and Neofiti all translate בֵּין הָעֶרְבִים (literally 'between the evenings') as *between the suns*, meaning twilight, whilst Rabbinic tradition understands it as referring to most of the afternoon. The Targumim are clearly sharing a convention.

PsY's treatment of Exodus 32,5 shows that there are times when he preserves a targumic tradition, even though this leads to an inconsistency in the Targum: **And Aaron saw Hur slain before him and was afraid; and he built an altar before him and Aaron cried with a doleful voice and said: Let there be a feast before the Lord tomorrow for the putting to death of his enemies, who have denied their Lord and have exchanged the glory of his Shechinah for this calf.** As Samely notes⁶⁴, the first interpolation speaks of Aaron's fear, whilst the second ascribes great courage to him; he would have been excused had he submitted to his fear and carried out the will of the idolaters without calling for their slaughter. The inconsistency comes about because the first interpolation is part of the targumic tradition, found also in FT and Neofiti⁶⁵, whilst the final interpolation is an apologetic found only in PsY. Assuming that PsY was sufficiently astute to spot the inconsistency that he introduced, we have to conclude that the targumic tradition was important to him and he felt obliged, or wished, to retain it.

Often we shall see occasions when a remark appears in PsY and only some of the other Targumim. Again it is likely to be a shared tradition⁶⁶, even though not all the known Targumim may have adopted it.

⁶³ E. Yitzhaky, The Halacha in Targum Yerushalmi I, pp. II - III.

⁶⁴ A. Samely, The Interpretation of Speech Samely makes a number of astute observations regarding PsY's treatment of this verse.

⁶⁵ There appears to be textual corruption in Neofiti, but this is recognised in the marginal notes.

⁶⁶ cf. A. Samely, The Interpretation of Speech, pp 148-9. He lists 27 speech events which PsY shares with one or more of Neofiti, Neofiti Margins, Fragmentary Targum, Cairo Genizah Fragments and Onkelos. None are shared by all 5 and PsY.

Shinan shows that the aggadic traditions which PsY cites often occur in a more abbreviated form in other Targumim. He calls these the Shared Targumic Aggadic Tradition⁶⁷. One of our tasks in this study will be to investigate the extent to which it can be maintained that there was a Shared Targumic Halachic Tradition.

This Study

In summary, the aims of this study will be:

To analyse the halachic content of PsY in a systematic manner.

To identify PsY's halachic sources; to gain an insight into the circumstances under which he used or failed to use them and to consider the extent that there may be a Shared Targumic Halachic Tradition.

To consider techniques of translation and interpolation in the halachic material.

To use this information to consider whether current scholarly thinking in respect of authorship, genre and date that have been reached through a study of the non-legal content can be maintained when tested against the legal material.

In sum we are seeking to add to our knowledge of the origins and sources of this work through a study of the halachic material in PsY. Can it assist us in determining what the author's purpose was in composing this work, or who his target audience was? Does it fall within the general corpus of rabbinic tradition?

The argument that I shall attempt to present in this thesis is that a reasonable explanation can be offered for nearly all the halachic material in PsY, within the framework of the rabbinic system. Without anticipating whether or not the work can be attributed to a single author, I shall attempt to demonstrate the principal considerations that give rise to particular halachic remarks. The halachic remarks will be categorised in three chapters, under a number of sub headings. There will be a certain amount of overlap in these categories, so that the decision as to which chapter or sub-heading a particular statement should be put into may occasionally be open to dispute. Nevertheless the suggested chapters and sub-headings do provide a convenient framework in which to discuss the halachic material in PsY:

Chapter 1: Material that shows an affinity with rabbinic sources or targumic traditions.

This may be because the author wished to convey traditional legal rulings or because he

⁶⁷ מסורת האגדה הכללית 55, A. Shinan, *Targum V'Aggada Bo*, pp.20ff.

regarded the traditional interpretation as the most appropriate way of understanding the text. The translations and interpretations may be determined by a number of different factors, including:

a) Clarification of the Text. There may be a perceived need on the part of the author to clarify the text. The Masoretic text can be vague, ambiguous or even at times confusing. These clarifications provide what PsY presumably feels to be the inference of the text, that is to say the most appropriate translation bearing in mind the context and source language⁶⁸.

b) Midrash-type and Exegetical Interpretations in which a new idea or meaning is derived from a particular letter, word or phrase. Even when the intended meaning of the verse may be straightforwardly clear, PsY on occasion looks for interpretative opportunities provided by the text. These opportunities include passages to which exegetical techniques can be applied, such as associative translation⁶⁹, climatic exegesis⁷⁰, or occasions where opportunities for exegesis are offered by duplication of words or phrases, apparent redundancies or lacunae.

c) Descriptions of how the law is applied in practice. We will attempt to furnish evidence to support the view that PsY often explains the most likely way that a ritual or practice was carried out, or sets out the circumstances in which the law applies. His intention may be to educate his audience, or to explain the biblical origin of practices with which they may have been familiar. We will divide this section into three sub-sections: The first will provide instances where we can identify the source that PsY agrees with. The second will adduce cases where PsY seems to be in agreement with principles laid down in a known source, but where there is insufficient evidence of dependence. In some of these latter cases we may hypothesise that PsY used his independent reasoning, but that his view was conditioned by existing rabbinic traditions with which he may have been familiar. The final

⁶⁸ A. Samely, The Interpretation of Speech, p. 181 "The dependency of Targum on the Hebrew wording is exegetical in nature both for its literal translations and for its modifications."

⁶⁹ "Associative translation occurs where in translating text A the meturgeman is influenced by similar phraseology in text B". P.S. Alexander, "Jewish Aramaic Translations", pp 217-251. See in particular Klein, "Associative and Complementary Translation in the Targumim" Eretz-Yisrael, 16, (1982) pp 134-40.

⁷⁰ In connection with the identification of anonymous protagonists with characters who occur elsewhere in scripture, A. Samely notes "...links are forged not just between those passages that contain the names of the respective figures, but between the co-texts of these names in the Masoretic text." A. Samely, The Interpretation of Speech, p.19.

sub-section will deal with a very few comments which are not really halachic but which may have a bearing on our discussion.

We will include in this chapter an analysis of PsY's use of Targumic Traditions, a section on his relationship with the halachic material in PRE which, as we noted on page 9, may be crucial in dating the Targum and a further section on the treatment of the Red Heifer narrative, Numbers Chapter 19, which contains some apparently unique features.

Chapter 2: Material that does not show an affinity with known traditions, but that is attributable to the Targumist's independent reasoning. That is to say, we will include a translation or expansion here if there is no *prima facie* evidence that it is based on either a known textual source or any other tradition, provided that we believe we can understand the Targumist's reason for including it. We will categorise material in the same way as in the previous chapter.

Additionally, Literal Translations will be briefly illustrated in this chapter. These translations contain no expansions or interpolated material. Using Barr's parameters⁷¹ we will classify as literal those translated verses (which have a legal bearing) in which the target text is divided into sequential elements or segments corresponding to the source text, in which there is no segmentation below word level, in which there has been no quantitative addition or subtraction of elements, in which there is "devotion to the forms and patterns of the original language"⁷² and in which the translator has neither widened nor narrowed the semantic range of the terms being translated. In Barr's words the translator "having made his judgements...proceeded to *express* the results in an manner that as far as possible gave representation to each word or element as a separate unit of meaning for the purpose of translation"⁷³ and "(wrote) down in the versional language words that give a correct impression of the text as it stands, no more and no less"⁷⁴. Any translation in PsY that does not conform to this standard of literalness will be treated as worthy of further investigation.

Chapter 3: Statements of Unclear Origin. There may be remarks or translations in PsY which cannot be convincingly explained by anticipating the Targumist's reasoning, and which appear

⁷¹ James Barr, The Typology of Literalism in Ancient Biblical Translations, (Göttingen, 1979). Barr also suggests parameters which can be applied to determine the degree of literalism in a particular work of translation as a whole. We are concerned however only with the literalness of translation of individual verses or clauses.

⁷² *ibid.*, p. 46

⁷³ *ibid.*, p. 23.

neither appear to owe their existence to known traditions, nor to exegetical reasons. These passages will be of interest because they may support those scholars who maintain that PsY contains legal material that derives from a pre-rabbinic legal system or material that is unknown, and therefore external, to rabbinic law.

As part of the discussion on each passage, we will identify any sources that appear to have been used. This will help us to attempt to establish the degree to which particular sources or traditions were available to the author(s). We may gain some information about the library that he had in front of him, if indeed he had a library at all. We will also try to understand what led him to use his independent reasoning rather than traditional sources in some cases, and vice-versa in others. In conclusion we will consider how the findings can add to our knowledge of this particular Targum.

Bearing in mind the remarks made above about the nature of halacha in the Targumim, we shall establish as a broad working definition that a halachic remark in PsY is one which has some implied or overt practical consequence. But in order to be thorough we shall define this as widely as possible, so that even if we believe that a verse is not prescriptive we shall nevertheless test it.

The number of halachic remarks in PsY, including literal translations from the source text, is so vast that it greatly exceeds the bounds of a study such as this. We shall discuss much of the halachic material in detail, particularly those comments which are significant in enhancing our understanding of PsY. Passages which have not been discussed will be categorised in Appendix II, under the headings listed above. The aim has been to cover every halachic remark in PsY, although we have not listed all the literal, or nearly literal, translations; that is to say those translations in which the legal sense of the verse is unaltered.

⁷⁴ *ibid.*, p. 42.

MATERIAL THAT SHOWS AN AFFINITY WITH RABBINIC SOURCES OR TARGUMIC TRADITIONS

PsY's agreement with rabbinic sources is most obviously identified when he makes comments similar to those found in sources, particularly if his language (in translation of course) corresponds to that of the source. But even when he does not use Aramaic cognates of phrases or words found in specific rabbinic sources, there is often good reason to assume that he is making use of a source, even if he is not copying directly from it.

The opinions that he derives from the sources do not always correspond with those which the medieval codifiers consider to be normative halacha; there are even occasions where he seems to follow an opinion that the sources reject, but which he may feel to be the most appropriate for his needs as a targumist.

We will also see PsY making use of the targumic traditions, although it is by no means clear why he follows targumic tradition on some occasions and ignores it on others.

Even though we will be discussing interpretations supplied by the sources and oral traditions he may have used, we should consider that PsY made his own choices as to which rabbinic elements to include and which to exclude.

One of our tasks is to identify the sources PsY may have used. This chapter will assist us in this task.

As discussed in the Introduction, we will divide this chapter into sub-headings which broadly illustrate the principal factors that are likely to have influenced the Targum's translations and expansions. Under each sub-heading we will first discuss a few paradigms which will illustrate the scope of each classification. We will then discuss, in biblical order, other verses, or parts of verses, which will assist our understanding of the Targumist's techniques and concerns. Finally, verses in the Masoretic Text which fall within the scope of this chapter, but which are not discussed here, will be listed and categorised in Appendix I.

Clarification of Text

Leviticus 25,47:

PsY frequently clarifies his understanding of the meaning of a word that may be unclear:

And if a stranger who is a settler with you becomes rich, and your brother becomes poor beside him, and is sold to the stranger that settles with you, or to the offshoot of a stranger's family.

PsY: ...sold to the stranger that settles with you, or to the *root of the idolatry to serve it and worship it, that is of a stranger's family.*

ויוֹדֵבֵן לְעֵרֵל תִּיתֵב דַּעֲמֹךְ אִי לְשָׂרִישׁ כּוֹלֶהְנָא נּוֹכְרָהָא לְמִשְׁמֵשָׂא לָהּ לְפִלְהָהָא דְמוֹרְעִית גִּיּוֹרָא.

The difficulty in this verse is with the Hebrew word עקר, normally translated as *root* or *principal*, rather than *offshoot* or *member* as is rendered in some English translations. PsY agrees with Sifra B'har 8,1 as regarding the verse to refer to the *root* of idolatry, i.e. the idol itself which belongs to a family, rather than a member of the family.

Deuteronomy 24,12:

At times we find that he substitutes a clarifying phrase for a preposition that seems to make little sense in context:

And if he is a poor man, you shall not sleep in his pledge (בעבטו).

PsY: ...you shall not sleep with his pledge *with you*.

וְאִם גֶּבֶר מִכְסִּין הוּא לֹא תִבִּית וּמִשְׁכְּנִיהָ גִבְךָ.

Sifrei Deuteronomy 277 (p. 295) *Do you imagine that he would sleep in his pledge? It means you shall not sleep while his pledge is with you.*

PsY conforms to Sifrei Deuteronomy. He explains the term **in his pledge**, as indeed does Sifrei Deuteronomy.

Leviticus 19,32:

He also closely defines words or phrases that seem vague:

You shall rise before grey hair, and you shall honour the presence of an old person...

PsY: **You shall rise before grey hair** *who are understanding in Torah...*

מִן קֶדֶם כִּבִּין דְּכִבְרִין בְּאַדְרִיטָא תְּקוּמוּן...

PsY defines the meaning of the rather vague phrase **before grey hair**, indicating that the phrase is not necessarily intended to be taken literally. He agrees with the opinion of Sifra (Kedoshim 7,12) that one should stand before any venerable old person. The Mishnah is silent on this issue.

Leviticus 13,45:

Our final paradigm in this section is a verse where PsY is confronted with two alternative, and seemingly equally valid traditions concerning the meaning of a particular word:

And the leper in whom the plague is, his clothes shall be rent and his hair shall be loose (פרוע) and he shall cover his upper lip and shall cry: Unclean, unclean.

PsY: ...and his hair shall be *growing* loose...

...ורישו יהי מרבי פרוע...

PsY translates according to R. Eliezer (Sifra Negaim 12,6) that his hair is to be grown whereas Neofiti, Septuagint and Philo follow Rabbi Akiva (Sifra, loc. cit.) in that his hair must be uncovered. PsY retains the verb פרוע but expands upon it with מרבי. Onkelos simply has פרוע. The targumic tradition on this verse is likely to be that preserved in Neofiti and Septuagint. PsY provides us with his view on how best to translate this verse. He translates the verb in the same way in Leviticus 21,10- **his hair shall not be *growing* loose.**

The other verses that fall into this category which are worthy of discussion are set out below in biblical sequence:

Exodus 12, 17:

And you shall observe the unleavened bread, for on this very day I brought your hosts out of the land of Egypt, and you shall keep this day throughout your generations as an everlasting statute.

PsY: And you shall observe the *kneading of* unleavened bread...

ותטרוקן ית לישתא דפטירי...

The Hebrew text is surprisingly vague; PsY clarifies the object of the verb **and you shall observe**. One might have thought that observing the leavened bread may have meant not eating any leaven alongside it. PsY considers the verb to refer to kneading. In so doing, he agrees with Mechilta (Pischa 9, p.32): *observe it so that you do not bring it to the point where it is unfit, from this they said 'if it shows evidence of rising, slap it with cold water'*. Exodus 12,15 contains the injunction to eat matzah, PsY, agreeing with Mechilta, considers that the observance referred to here must therefore be connected with its preparation.

Exodus 12,46:

It shall be eaten in one house, you shall not bring any of the flesh out from the house, and you shall not break any bone of it.

PsY: It shall be eaten in one *company*, you shall not bring any of the flesh from the house, out of *the company*...

בחבורא דהוא יתאכל לא תפקין מן ביתא מן בשרא בר מחבורתא...

The difficulty is that the Paschal sacrifice is to be eaten at the Sanctuary, not in a house. PsY recasts *house* as a *company* in agreement with Mechilta (Pischa 16, p.54).

Exodus 21,2:

If you will buy a Hebrew servant, he shall serve six years, and in the seventh he shall go out free for nothing.

PsY: If you will buy *for his theft an* Israelite as a servant, he shall serve six years, and *at the beginning of* the seventh he shall go out free for nothing.

ארום תיזבון בגניבותיה לעבדא בר ישראל שית שנין יפלח ובמעלי שביעתא יפוק לבר
דורין מגן.

The use of *Israelite as a servant* conforms with the discussion in Mechilta (idem) as to whether the biblical עבד עברי means an Israelite servant or the servant of an Israelite. The phrase is unclear and PsY clarifies it by agreeing with the conclusion in Mechilta.

The Hebrew text is not clear whether the slave must be freed immediately after six years, or at some time during the seventh. PsY stresses that the slave is freed at the beginning of the seventh year⁷⁵. This does not occur in Mechilta but does in Mechilta of R. Shimeon b. Yohai (RShbY) (21,2 p.160). However, PsY disagrees with RShbY on the first part of this verse, RShbY holding that the servant may sell himself into slavery.

Leviticus 16,21:

And Aaron shall rest his two hands upon the head of the living goat, and confess upon it all the iniquities of the children of Israel, and all their transgressions according to all their sins, and shall put them upon the head of the goat and send it by the hand of a man made ready into the wilderness.

PsY: ... and send it by the hand of a man made ready *from the previous day* into the wilderness.

ויפטור ביד גבר די מוזמן אשתקד למחקר למדברא דצוק דהוא בית הרורי.

⁷⁵ cf discussion on Exodus 22,2 below, page 47.

PsY holds that the man who leads the goat into the wilderness has to be made ready the previous day. We do not find this in the halachic sources but Rashi (on Leviticus 16,21) understands the verse in the same way as PsY. It is not generally assumed that Rashi was familiar with PsY. We do not know Rashi's source, it is not explicitly Sifra Aharei Parasha 4,8 as has been claimed⁷⁶. However it would be highly unusual for Rashi to make a comment such as this without relying upon a tradition known to him and it is not unreasonable to assume that PsY was aware of the same tradition. The Hebrew word עָתִי, **made ready**, implies some previous notice but is an obscure term and presumably PsY feels the need to clarify it.

Leviticus 19,26:

You shall not eat with the blood (עַל הַדָּם), you shall not practice divination or soothsaying.

PsY: You shall not eat *the flesh of any sacrifice while the blood remains in the basins...*

לֹא תִכְלֹן מִבֶּשֶׂר כָּל נִבְסְתָּה עַד דַּהֲמָה קִים בַּמִּזְרָקִיא...

Sifra Kedoshim 6,1 *You shall not eat the flesh whilst the blood remains in the bowl* (מִזְרָק).

The Hebrew עַל הַדָּם is an unusual phrase and calls for an explanation. PsY has copied the interpretation in Sifra Kedoshim 6,1 word for word, but has limited the case to sacrifices. This is implied in Sifra, the מִזְרָק is the bowl from which the sacrificial blood is sprinkled. It is likely that PsY was using Sifra, or a tradition that Sifra also relied upon, and clarified the meaning by inserting the reference to sacrifices.

Numbers 28,7:

And its drink offering a quarter of a Hin for the one lamb, in the holy (place) you shall pour out a drink offering of strong drink to the Lord.

PsY: ...for the one lamb, in *vessels of the holy (place)* shall be poured out a drink offering...

וְנִסְחִיָּה רִבְעִית הִינָּה לְאִמֹּר חֹד בַּמָּאנִי בֵּית קֹדֶשׁ יִתְנַבֵּךְ נִסְחָךְ...

PsY understands בַּקֹּדֶשׁ, *of the holy place*, as *in a vessel of the holy place*.

Sifrei Zuta (28,6): *just as the burnt offering at Mount Sinai required a vessel, so this required a vessel*

⁷⁶ cf. Notes to Rashi on Leviticus 16,21 in Torat Hayyim, ed. M.L. Katzenellenbogen, (Jerusalem 1986).

Sifrei Numbers 142 (p. 187) *Just as the sacrifice at Mount Sinai was on the altar, so here the sacrifice is on the altars. Just as the sacrifice at Mount Sinai required libations, so here the sacrifice requires libations.*

PsY agrees with Sifrei Zuta that the libation must be in a bowl, but whereas Sifrei Zuta derives this from the occurrence of the phrase עולת תמיד in the previous verse and in Exodus 29,42, PsY attaches it to the phrase **in the holy**. Sifrei Zuta's comment is connected to that in Sifrei Numbers. If Liebermann⁷⁷ is correct that Sifrei Zuta is the oldest of the Halachic Midrashim, then it may be the source of Sifrei Number's comment but none of this helps us identify PsY's source

PsY may in any event simply be suggesting the most likely case, feeling that the Hebrew text needs some clarification.

Deuteronomy 24,4:

Her first husband, who sent her away, is not permitted to return to take her to be a wife to him, after she was defiled, for it is an abomination before the Lord, and you shall not bring sin on the land which the Lord your God gives you as an inheritance.

PsY: ...for it is an abomination before the Lord, *and her children who are born from her are not an abomination.*

...אדם מרדקא היא...ולא מרדקין בנהא דתלד מניה...

Sifrei Deuteronomy 270 (p. 291): **for it is an abomination** *and the child is not an abomination.*

PsY's clarifying comment agrees with Sifrei which is the only Tannaitic source to provide this comment. The sources may understand היא in the biblical text as meaning **she is an abomination** rather than **it is an abomination**.

Midrash-type and Exegetical Interpretations

In the previous section we dealt with cases where the meaning of the Masoretic text seemed unclear. But even when the intended meaning of the verse may seem to be clear and unambiguous, PsY often draws out new meanings using exegetical techniques.

⁷⁷ S. Liebermann Sifrei Zuta (New York, 1968), pp 92ff quoted in H.L. Strack and G. Stemberger, Introduction pp. 93-4.

Leviticus 11, 37-38:

PsY may use words in the Masoretic text that he considers superfluous or redundant to import a rabbinic exegesis:

And if any of their carcass fall upon any sowing seed which is to be sown it is clean. But if water be put onto the seed and any of their carcass fall upon it, it is unclean to you.

PsY: ...any sowing seed *in the manner it is sown*...

...על כל זרע זרעונית בארצה די יודע...

Yitzhaky notes that PsY agrees with the school of R. Ishmael (B. Hullin 117b), i.e. the verse refers to seeds that are in their original, unpolished state. This is an exegetical point, the phrase **which is to be sown** otherwise being apparently redundant.

Deuteronomy 18,3:

Similarly, he may use an unusual form of the word as the basis for exegesis. In the following case he attaches a particular meaning to the dual form of a noun:

And this shall be the priest's due from the people, from them that offer a sacrifice whether it be ox or sheep, that they shall give to the priest the shoulder and the two jaws and the stomach.

PsY: ...they shall give to the priestthe *upper jaws and the lower jaws*...

ויתנו לכהן... ולחיא ארעיא ולחיא דרקיתא וקיבתא.

PsY stresses the dual form in our verse which is why he includes both the upper and lower jaws.

We do not find PsY making use of any of the known sources here but Elijah, Gaon of Vilna amends the text of Sifrei Deuteronomy 165 which in our versions reads "the lower jaw", to read "the upper and lower jaw". In this case PsY may be using Sifrei Deuteronomy.

It is not clear from M. Hullin 10,4 (*what counts as the cheek? From the bend of the jaw to the knob of the windpipe*) whether only the upper jaw is included in the priests portion or whether the lower is also included, although the discussion in B. Hullin 134b states that the portion of the cheeks includes the "wool in the head of the lambs and the hair in the beard of the goats." The Mishnah probably does not relate to our verse, but to the definition of לחי - a jaw.

Leviticus 19,20:

The doubling of a verb also provides opportunities to make use of a midrashic exegesis, although in the following case we also see PsY differing in a significant detail from the rabbinic source that he uses:

And a man who lies carnally with a woman, and she is a bondsman, designated for a man and not at all redeemed, nor was freedom given to her, there shall be an investigation, they shall not be put to death for she was not free.

PsY: ...and she is a bondswoman *and a free woman betrothed to a free man and unto now not wholly yet redeemed with money nor was her bill of freedom given to her*, there shall be an investigation *she is liable to flogging but not he but they are not liable to the death sentence for she was not wholly free.*

...והיא אמתא וחרתא מתארסא לגבר חרי ומתפרקא כולא עד כדון לא איתפריקא בבספא
או שטר שיהרורה לא איתיהב לה פשפוש יהוי בדינה למילקי היא מחייבא ולא הוא ברם סדר
קטולין לית הינן השיבין ארום לא איתחרת כולא.

M. Keritot 2,5: *What manner of bondswoman (is spoken of)? She that half of her is a bondswoman and half of her is free as it is said, not at all redeemed, this is the opinion of R. Akiva.*

Sifra (Kedoshim 5,2): *Since it says and redeeming (ויהפדה), might one think she is wholly (freed)? We learn from the phrase she is not redeemed (לא נפדתה) that she is redeemed and not redeemed, half of her is a bondswoman and half of her is free. The bible speaks of a woman betrothed to a Hebrew slave, this is the opinion of R. Akiva.*

PsY is evocative of these discussions. Both sources use the doubling of the verb פדה to conclude that she is in a state of freedom and bondage and cite R. Akiva as understanding the verse as referring to a woman who is half slave half free. PsY translates the duplication as **not wholly yet redeemed**.

However, all opinions in Sifra, including R. Akiva, conclude that logically the woman must be betrothed to a Hebrew slave, whilst PsY considers her to be betrothed to a free man, and the Mishnah is silent. PsY may feel obliged to translate as a *free man* because of the limitations of the text. Rather than the Hebrew text using either איש and אשה - man and woman or עבד and שפחה, slave and bondswoman, the Hebrew says איש, man, yet שפחה, bondswoman. PsY may

be emphasising this distinction. His rationale is exegetical even though it has a practical, legal implication.

Sifra Kedoshim 5,4 and M. Keritot both state that the bondswoman is to be flogged, but not the man. The language of Sifra *she is flogged but he is not flogged* לוקה היא לוקה והוא אינו is closer, but not identical to PsY.

PsY is clearly using a tradition known to both Sifra and the Mishnah. However he disagrees with Sifra over the status of her betrothed, because he feels the text requires this.

Deuteronomy 25.6:

In this example PsY imports a tradition that makes use of associative translation:

And it shall be, that the firstborn which she bears shall succeed upon the name of his brother who is dead, and his name be not blotted out from Israel

PsY: ...shall succeed *in inheritance* upon the name of his brother...

ויהי בוכרא דתוליד יקום באהכנתא על שום אחיו שכיבא...

Midrash Tannaim (p. 166) cites Genesis 48,6 upon the name of their brothers they shall be called in their inheritance as the exegetical authority for understanding the name of his brother as *inheritance*. On this view, rather than the verse requiring the son of a levirate marriage to be named after the deceased first husband, the son inherits the property of the deceased first husband. This contradicts M. Yevamot 4,7 which indicates that the inheritance passes to the deceased's brother who marries her. In practice of course the son would ultimately inherit the deceased husband's property, through his father.

PsY makes use of associative translation that he may have known from Midrash Tannaim.

Deuteronomy 22,9:

The following example also makes use of an interpretative technique found in the sources. But this time the technique is a notaricon (creating a word from the initial letters of the words in a phrase). It is a homiletic tool, rarely used in rabbinic literature to justify the use of a biblical verse in support of a practical ruling. Here however it appears that PsY considers that use of the technique confers legal authority upon the resulting exegesis.

You shall not sow your vineyard with two mixed species, lest you defile the fullness of the seed which you have sown, and the produce of the vineyard.

PsY: ...mixed species, lest you *become obliged to burn the fruit of the seed which you have sown, and the produce of the vineyard.*

לא תזרעון כרמיכון עירובין דלמא תתהייב יקדתא דימעת זרעא דתזרעון ועללת כרמא.

Rather than translating תקדש, *defile*, PsY seems to stipulates the penalty, that the seed and the produce of the vineyard has to be burnt.

However, neither PsY or Midrash Tannaim (p.149) translate the related word קדשה in Deuteronomy 23,18 (which also inverts the usual meaning of the root קדש from sanctity to defilement) in this way. PsY reads there נפקת ברא (*one who goes out*). When קדשה appears in Genesis 38, 21 and 22, PsY translates it as *prostitute* in accordance with the context of the verse.

In our verse PsY considers תקדש to be a notaricon, made up from אש תוקד, as found in Midrash Tannaim (p. 137). It seems that PsY places the notaricon, attributed in B. Kiddushin 56b to Hezekiah, ahead of the need to provide a direct translation. Perhaps PsY regards this as the actual meaning of the verb, defiled seed would need to be disposed of. Maybe he did not agree, or understand, that קדש could mean defile.

The following verses, listed in biblical order are also of interest to our discussion:

Exodus 22,8:

For any matter of trespass, for an ox, for a donkey, for a sheep, for clothing, for anything lost, when he will say that this is it, the claim of the two of them shall come to the judges⁷⁸, he whom the judges shall condemn shall pay double to his neighbour.

PsY: ...*he will swear when he will say ...*

...על כל אבידתא יומי כד יימר

Mechilta does not mention that the claimant has to take an oath. However, when discussing the previous verse (Exodus 22,7), Mechilta Nezikin 15 (p.300) refers to our verse and concludes that an oath is necessary.

⁷⁸ The word “judges” both here and in the following phrase can be translated as “God”. Both Onkelos and PsY translate as “judges” in both cases.

Both 22,7 and 22,8 form part of a unit. They each make use of the term Elohim to represent judges. PsY evidently sees this as an exegetical factor and, taking his authority from Mechilta, infers that an oath is also required in this 22,8.

Exodus 22,20::

And you shall not vex or oppress a stranger, for you were strangers in the land of Egypt.

PsY: **And you shall not vex a stranger** *with words, nor oppress him to take his possessions...*

וגזירה לא תקנטון במילין ולא תעיקון למיסב ליה נכסוי...

PsY agrees with the exegesis of Mechilta, Nezikin 18 (p.311) which understands oppressing a stranger to mean both verbally and materially. This is based on the fact that the Hebrew text uses two verbs, allowing two separate modes of behaviour to be proscribed.

Exodus 22,29:

Thus you shall do to your ox, to your sheep, seven days it will be with its mother, on the eighth day, you shall give it to me.

PsY: ... seven days it will *suckle after* its mother....

... שבעא יומין יהי ייניק בתר אימיה...

Mechilta Kaspā 19 (p.319) quotes Leviticus 22,27 **seven days it shall be beneath its mother.** It asks whether these means that the animal must literally be beneath its mother, or follow after the mother. Mechilta deduces by *gezerah shava*, from the use of אמו both here and in Leviticus 2,27 that the firstborn must follow its mother, it need not literally be beneath it. Mechilta continues, *just as a firstborn animal, which is sanctified, must suckle from an unsanctified mother*⁷⁹, so all (sanctified animals) suckle from unsanctified animals.

PsY, Onkelos, Neofiti and FT all substitute *after* (בתר) for **under** in Leviticus 22,27. PsY and Neofiti incorporate *after* here. PsY however also uses the exegesis from Mechilta that the verse refers to suckling. He therefore combines two separate traditions. His comment does not seem to add any practical detail to the commandment, it seems to be more a case of his wishing to remind his audience of the exegetical tradition. He seems to be giving the practical consequence of **with its mother.**

⁷⁹ Since the mother of the first born is merely one of the herd and has not been designated as a sacrificial offering.

Leviticus 11.36:

But a fountain or a pit, a gathering of water (מקוה מים) shall be pure, and anyone who touches their carcass shall be unclean.

PsY: But a fountain or a pit, a gathering of *running* water shall be pure...

לחוד עינון וגובין בית כנישות מין נבעין יהי דכי...

The Hebrew word מקוה comes from a root that implies flowing together. PsY's *gathering of running water* draws out this meaning. It also conforms with Sifra (Shemini Parasha 9,3) which prescribes running water for these pools whereas stagnant water will suffice for a mikveh. PsY may be making use of the discussion here in Sifra and at the same time providing a translation which both enhances his audience's understanding of the text and clarifies the law.

Leviticus 15.4:

Every bed which he who has a flux will lie upon will be unclean and every vessel which he sits upon will be unclean.

PsY: Every bed *that is designated* which he who has a flux will lie upon will be unclean and everything *that is designated to sit* upon will be unclean.

כל משכבא דמיהד למישכוב עלוי דובנא יהי מטאב וכל כנא דמיהד למיתב עלוי יהי מטאב.

The words *bed* and *vessel* are superfluous. The text could have said *everything that he lies or sits upon*. PsY accentuates the superfluities by reference to Sifra Zavim 2, 1-3⁸⁰; Sifra holds that only a designated seat or bed can become unclean. A surface that a flux sufferer happens to sit upon informally cannot. PsY is retaining this ruling whilst interpolating in a way which allows him to remaining as close as possible to the original⁸¹.

Numbers 5.15:

And the man shall bring his wife to the priest, and he shall bring her offering for her (עלירה), a tenth part of an ephah of barley meal, he shall not pour oil on it, nor shall he put frankincense upon it for it is a meal offering of jealousy, a meal offering of remembrance, bringing sin to mind.

⁸⁰ Also found in B. Niddah 49b, B. Shabbat 59a, B. Hagigah 23b.

⁸¹ See A. Shinan, *Targum V'Aggada Bo*, p. 47 and the sources cited there in note 1. It is an observed technique of PsY to insert aggadic interpolations into the Targum of the biblical text in such a way that the interpolation can be lifted out from PsY without disturbing the structure of the biblical text. The same applies to his halachic interpolations. But this feature is also to be found in other Palestinian Targumim.

PsY: ...and bring her offering *which he deducts for her from that which is hers...*

...דייתי ית קורבנה דקיץ עלה כדיליה...

PsY understands the apparently superfluous word עליה as meaning “on her account”. In doing so he agrees with a halachic view, namely that a wife is obliged to pay out of her marriage contract for sacrifices that do not relate to her personal ritual purity. This follows the sages in Sifrei Numbers 8, (p 13). R. Yehuda holds, both in Sifrei Numbers and M. Negaim 14,12, that the husband is liable for all her sacrifices.

The verse is concerned with the sacrifice offered by a wife suspected of adultery and so according to the sages she should be liable for the cost of the sacrifice. PsY emphasises the meaning of עליה to support this position. He has used exegesis to confirm a halachic position. But since the verb which PsY uses for deduct, קיץ, is the Aramaic cognate of that used in Sifrei Numbers, PsY seems to have arrived at this position by using Sifrei Numbers.

Numbers 6,13:

And this is the law of the Nazirite, on the day that his days of separation are filled, he shall bring him (אותו) to the door of the tent of meeting.

PsY: ...he shall bring *himself*...

...ימשי ית גרמיה לתרע משכן זמנא.

This may be an attempt to clarify the law, PsY agrees with R. Ishmael in Sifrei Numbers 32 (p.38), that the Nazirite is not brought to the Tent of Meeting by others, but that he brings himself. He has derived this exegetically, translating אותו as *himself* rather than *him*.

Numbers 6,18:

And the Nazirite shall shave, at the door of the tent of meeting, his consecrated head and he shall take the hair of his consecrated head and put it on the fire which is under the sacrifice of the peace offering.

PsY: And the Nazirite shall shave his consecrated head *outside, after they sacrificed the sacrifice of the peace offering at the door of the tent of meeting...*

ויגלח נזירא ית ריש נזריה לברא בתר דנכיסו ית נכסת קדשיא בתרע משכן זמנא...

Sifrei Numbers 35 (p. 39) And the Nazirite shall shave his consecrated head at the door of the tent of meeting: *The Bible is speaking of peace offerings, as it is said, and they shall slaughter it (the peace offering) at the door of the tent of meeting (Leviticus 3,7). Do you*

say that it is speaking about peace offerings or really about the door of the tent of meeting.....it is speaking about peace offerings.

Although the text of Sifrei is somewhat opaque, Rashi, in his commentary on this verse as well as on the parallel text in B.Nazir 45a is quite clear that the meaning of the baraita is that he shall shave after the peace offerings are sacrificed, and that in turn is the plain meaning of this verse. It is of course implicit since his hair has to be put **on the fire which is under the sacrifice of the peace offering**.

As we noted when we looked at Leviticus 16,21 on page 154, there is no evidence that Rashi knew PsY. PsY and Rashi therefore both seem to have drawn the same conclusion from Sifrei, using Sifrei's analogy from Leviticus 3,7 as their exegetical justification. PsY however retains **the door of the tent of meeting**, whilst both Sifrei Numbers and Rashi seem to substitute *peace offerings* for it.

M. Middot 2,5 indicates that in later times there was a chamber in the Temple courtyard where the Nazarite shaved. Yet PsY could be understood as having the Nazarite shave outside the courtyard. Sifrei (followed by Rashi) explains that the Nazirite did not shave his head in the doorway since this denigrated the sanctity of the tabernacle. This may be the source of PsY's *outside*.

PsY's preference for the halachic exegesis as found in Sifrei rather than the factual statement in M. Middot does not seem particularly significant. Sifrei and PsY are commentaries on Numbers, whereas Mishnah is concerned with practical law. Mishnah is concerned with the Temple whilst Numbers, and hence Sifrei and PsY, are concerned with the Tent of Meeting.

Descriptions of how the law is applied in practice

We now turn to verses where PsY seems to wish to provide the practical details of a regulation, yet does so in a way that seems to have little or no relation to rabbinic tradition. In these cases there seems to be no difficulty posed by the language of the text, but where nevertheless the biblical statement may give rise to a question, "how is this to be done?" or "in what circumstances does this apply?" The response is a practical description concerning how a ritual is to be performed, or how a regulation is to be applied. Again, we will first cite distinctive examples and then list the rest of relevant sources in the order of the Biblical text.

This is a lengthy sub-section and in order to develop the argument fully we will divide it into three parts.

The first part will discuss material in PsY which corresponds to opinions in the halachic sources. The second part will discuss material in PsY which closely resembles statements found in rabbinic tradition, but which differs to some degree. The third part deals with a few expansions in PsY which are not halachic but which may have been considered to be so by other researchers, or which bear in some other way on our discussion.

a) Material in PsY that correspond to opinions in halachic sources.

Leviticus 22,13:

The most obvious examples of PsY drawing practical information from a rabbinic source are where he uses cognates of words found in the source:

But if a priest's daughter be a widow or divorced and has no child, and she returns to her father's house as in her youth, she may eat of her father's bread, but no commoner may eat from it.

PsY: ...and has no child, *from him*, and she returns to her father's house, *that is not awaiting levirate marriage as in the days of her youth*, and she *and is not pregnant* she may eat of her father's food.

...וולד לית לה מניה ותבת לבית איבהא דלא מינטרא יבם הי כיומי מליותא ולא מעכרא מן

מוניה דאיבהא תיכול...

Maori notes that the interpolation *that is not awaiting levirate marriage* בם דלא מינטרא יבם is out of place. It should have been inserted after **be a widow**. However Sifra Emor 6,1 has this same exegesis using identical cognates- פרט לשומרת יבם and significantly attaches it to **and she returns to her father's house**. The similarity of cognates indicates that PsY drew on Sifra.

This then is not an error as Maori assumes, rather PsY is copying directly from Sifra without making an adjustment to place the interpolation in its most logical place. PsY is generally meticulous in placing his interpolations, and in making his comments succinctly. His apparent carelessness in this case seems odd.

Nevertheless, he reports an established tradition, that a widow awaiting levirate marriage may not eat the priestly portions in her father's house, as Sifra goes on to makes clear.

Sifra also excludes a pregnant woman from eating her father's portions. PsY again conforms.

Deuteronomy 18,11:

Even where there are no identical cognates in PsY's expansion or translation, we can often recognise that he has imported material directly from a known source. PsY's intention in the following example seems to be to make the law more comprehensive:

Or one who is a charmer of charms, or that asks of a ghost or of a familiar, or one who enquires of the dead.

PsY: One who charms *and bewitches snakes and scorpions or any creeping things*, ... or of a bone of a familiar, or one who enquires of the dead.

...לא קסומי קוסמין ולא דרורי עיינין ולא נטורי נחשין ולא הרשין. ומחברין ואברין חיוין ועקרבין
וכל מיני רחשין ושאלין איבא טמיה וגרם ידוע ותבע מן מיתיא.

PsY's *and bewitches snakes and scorpions*, is found in both Midrash Tannaim (p.110) and Sifrei Deuteronomy 172 (p.219); the phrase *or any creeping things* appears simply as *small (animals)* in both these Midrashim, and both sources also refer to *large (animals)* which PsY omits. Midrash Tannaim seems to be the only source that mentions the *bone of a familiar*.

Leviticus 8,12:

Sometimes we may consider that PsY draws on a rabbinic tradition to answer a question posed, in theory or in actuality, by a reader of the Masortic Text:

And he shall pour of the anointing oil upon the head of Aaron, and he shall anoint him to sanctify him.

PsY: ...he shall anoint him *after he has clothed him* to sanctify him.

...ורבי יתיה בתר דאלבשיה מטול לקדשותיה...

Sifra (Miluim 1,10): **And he shall anoint the tabernacle and all that is in it (Leviticus 8,10), as the anointing of Aaron and his sons, for after he clothed (them) he anointed them...**

PsY clearly parallels Sifra. The verse is preceded by a description of Moses robing Aaron, and so in context it seems clear that he dressed him before he anointed him. PsY may be pointing out why the anointing was performed only on his head and not the whole of his body, since he was already dressed.

Leviticus 14,7:

At times PsY imports comments that seem to contain material from more than one source. It may be that he was consulting more than one source, or that he was using a source that we no longer know which contained both comments.

And he shall sprinkle upon him that is to be cleansed from the leprosy seven times, and purify him and send the living bird away across the face of the field.

PsY: ...sprinkle upon *the forehead* of him that is to be cleansed.....across the face of the field *and if that man is destined to be stricken with leprosy again, the live bird shall come back to him again that day and it may be eaten. And the priest shall bury the slaughtered bird in the sight of the leper.*

...וידוי על בית אפואי דמידכי מן סגירותא ...על אנפי הקלא ויהי אין איטומום ההוא גברא למילקי
תוב בצורעא תייבא ציפורא הייתא לביתיה ביומא ההוא ומתכשרא למיכלא וית ציפורא נכיסא
הזה מקבר כהנא במיהמי מצורע.

The regulation about sprinkling on the leper's forehead agrees with Rabbi Natan (*Yesh Omrim*) in Mishnah Negaim 14,1 and Sifra Metzora Parasha 2,1.

Sifra (Metzora Pta 2,8) permits the bird to be eaten if it returns to him. This is so far removed from the biblical verse that PsY is clearly drawing on Sifra or its sources. Yet M. Negaim 14,1 requires the priest to bury the second, slaughtered bird in front of the leper, as does M Temurah 7,5. PsY is using the Mishnah in this second comment rather than Sifra.

Sifra's wording corresponding to the first interpolation is identical to M. Negaim and it is likely that it derived from the Mishnah. However Sifra does not contain the Mishnah's comment that the bird is buried in front of the leper, and the Mishnah does not contain Sifra's comment about the bird which returns. PsY therefore contains one comment exclusively from the Mishnah (i.e. burying), one exclusively from Sifra (i.e. the returning bird) and one common to both (i.e. the leper's forehead). There does not seem to be an exegetical reason for any of PsY's three interpolations, and both Mishnah and Sifra contain other information on this verse which PsY does not use. It is possible that PsY used both Mishnah and Sifra for this verse, and that he chose comments that he could best interpolate, or that he felt were the most important to emphasise. It is also possible that PsY used a tradition which contained all three comments.

Leviticus 23,42:

In a few notable cases PsY provides expansive detail of how rituals are to be performed:

You shall dwell in booths seven days, every native-born in Israel shall dwell in booths.

PsY: *..in booths that two of its sides are according to their halachot and the third up to a handbreadth and its shade more than its sunny part. It shall be made for shade for the purpose of the festival from species that grow from the earth and pulled up, at least seven handbreadths and its height inside ten handbreadths...every native-born in Israel and even children that do not need their mother shall dwell in booths...*

והללא במטללת דתרי דופנייהא כהלכתהון ותליתיהא עד פושכא ומולא סגני משימשה מתעבדא
דלא צריכין למולא לשום חנא מן זינין דמרבין מן ארעא ותלישין משחתהא עד שבעא פושכי
יתבון במטליא... דרומא עשרא פושכי תיתבון בה שובעא יומין כל דכוריא בישראל ואפילו זעירי
לאימהון

a) *Two of its sides are according to their halachot* This agrees with the majority opinion in a *baraita* in B. Shabbat 6b. We do not have the source of this *baraita* but it has passed, in a slightly amended form into normative halacha⁸². We have no reason to doubt that PsY was confirming an established tradition.

b) *Its shade more than its sunny part.* This follows Mishnah Succah 1,1.

c) The school of Shammai require a new Succah each year, unless it was a Succah made especially for the purpose of the festival (M. Succah 1,2) PsY reflects the wording of the Mishnah- *if it was made for the purpose of the festival, even at the beginning of the year it is valid.*

d) PsY agrees with Mishnah Succah 5,5, a child which does not need its mother is obliged to sleep in the Succah.

In all four interpolations PsY remains wedded to the sources, although he has drawn his material from both Mishnah and a *baraita*.

Deuteronomy 25,3:

At times PsY explains the rationale behind a regulation:

Forty lashes he may give him, he shall not exceed, lest if he exceeds and beats him more lashes than these, then your brother will be despised in your eyes.

⁸² Maimonides, Hilchot. Succah 4,2.

PsY: *Forty times he shall swing the whip but beat him once less, he shall not complete it, perhaps he will exceed and beat him more lashes than thirty nine, and he will be endangered, then your brother shall not be despised as you see him.*

ארבעין יצליף והסיר חד ילקיניה לא ישלים דלמא יוסיף למלקיה על תלתין ותשע אלין מלקות
יתיר ויכתבן ולא יתבוי אהדך ואנת המי ליה.

In prescribing thirty nine stripes PsY agrees with Midrash Tannaim and the allusion in Sifrei Deuteronomy 286 (p.303). The language that PsY uses is closer to Midrash Tannaim - *forty less one*.

PsY explains that more than thirty nine stripes may be dangerous. Sifrei (loc. cit., p.304) prescribes that the Bet Din may estimate the extent of danger at any time during the flogging.

Deuteronomy 16,8:

Some of PsY's expansions are intended to resolve difficulties posed by the Masoretic Text.

Six days you shall eat unleavened bread and on the seventh day it is a gathering to the Lord your God, you shall do no work.

PsY: *On the first day you shall offer the Omer and you shall eat unleavened bread from the old harvest and the six days that remain you are permitted to eat unleavened bread from the new harvest...*

ביומא קמא תקרבון ית עומר ותיכלון פטורי מעללתא עתיקא ושתא יומין דאשתיירו תהון
מרשן למיכול פטורי מעללתא חדתא...

PsY permits the eating of matza on all seven days, and from the second day onwards he allows it to be taken from the new harvest in accordance with Sifrei Deuteronomy 134 (p. 191) and Mechilta Pischa 17. PsY is harmonising the clear contradiction between this verse and 16,3 (above, page 142). 16,3 says that unleavened bread must be eaten for seven days, 16,8 seems to require only six. PsY relies upon Sifrei Deuteronomy and Mechilta to resolve the contradiction.

We shall now discuss many other verses which fall under this heading, which are listed according to the biblical sequence:

Exodus 12,2:

This month shall be for you the chief of the months, it is the first for you of the months of the year.

PsY: ...**The chief of the months, and from it you shall begin to count the festivals, and the times and the seasons ...**

... ריש ירחייה ומניה תשרון לממני חגיה וזמניה ותקופתה...

Mechilta (Pischa 1, p.7) *This tells us that Nisan is the chief of the months and from where (do we learn) even also for kings? ...we learn that Nisan is the chief for months, for kings and for festivals.*

This is clearly connected to that in Mechilta and its counterpart in RShbY. However, PsY has added the words *and the times and the seasons* and omitted *for kings*. This may be more connected to his predilection for calendrical⁸³ themes than anything else. Mechilta also makes use of this verse for calendrical matters.

Exodus 12.25:

And it shall be when you come to the land which the Lord will give you as He has spoken, that you shall observe this service.

PsY: ...**as He has spoken, that you shall observe from the time that you reach there this service.**

...היכמא דמליל ותיטרוך מוזמן דתמטין לתמן ית פלחנא הדא.

PsY interpolates *from the time that you reach there*. But since this is clear from the first part of the verse, it should not be necessary to stress it. PsY is therefore probably drawing out the comment in Mechilta (Pischa 12, p.39) *the text makes this service dependent- from the time of their coming to the Land onwards*.

Exodus 13.2:

Sanctify every firstborn to Me, that opens every womb of the children of Israel, whether of man or cattle it is Mine.

PsY: Sanctify every *male* firstborn ...

אקדיש קדמי כל בוכרא דכוריא...

Mechilta Pischa 16, (p. 57) presents this verse as a paradigm of one of the thirteen rules of biblical exegesis:- a general term (**Sanctify every firstborn to Me, that opens every womb**) which requires a particular term (**Every first born male that is born, from your cattle or**

⁸³ cf PsY to, for example Genesis 7,11; 8,22; 30,14; Leviticus 16,29; 23,5; Numbers 1,1; 9,11; 13,20; Deuteronomy 1,3; 16,1; 28,12.

your flock you shall dedicate (Deuteronomy 15,19)) to explain it, whilst the particular term requires the general term to complement it⁸⁴. PsY stresses the conclusion of this argument

Exodus 13,12:

And you shall cause everything which opens the womb to pass to the Lord, and everything that opens the womb of the cattle which are yours, the males are for the Lord.

PsY: And you shall *separate* everything which opens the womb to the Lord, and everything that opens the womb of the cattle *that its mother has dropped* which are yours...

ותפרש כל פתח וילדא קדם ה' וכל פתח וילדא בעירא דמשגרא אמה דיהון לק דברין...

PsY's use of *separate* to translate והעברת and his interpolation of *that its mother has dropped* are both included, using Hebrew cognates, in Mechilta's interpretation (Pischa 18, pp.70-71): אין העברה אלא הפרשה.... אין פטר שגר בהמה אלא שגרתו אמו. Mechilta's intention is to exempt the first born animal if the mother has previously miscarried. PsY, whilst retaining Mechilta's cognates limits himself to the meaning of the biblical text which seems to imply that a viable premature first-born⁸⁵ is to be sanctified.

Exodus 13,13:

And every first born ass you shall redeem with a lamb and if you will not redeem it you shall break its neck, and every first born of man amongst your sons you shall redeem.

PsY: ...every first born of man amongst your sons you shall redeem *with money but not of your servant*.

...וכל בוכרא דאינשא בברך תפרוק בככפא ולא בעבדך תפרוק.

Mechilta (Pischa 18, p.72) ...*we redeem the first born of man, but apart from servants, writs, land and that which has been dedicated*.

⁸⁴ Thus in this case, the general term might lead one to think that male or female firstlings must be dedicated. The specific term limits it to males. But the specific term alone might lead one to think that the first male to be born must be sanctified, even if females, or stillbirths, had been born from the same mother previously. Hence the general term specifies that the animal must open the womb.

⁸⁵ The root שגר can mean premature birth or foetus. cf. M. Jastrow, A Dictionary of the Targumim, The Talmud Babli and Yerushalmi and the Midrashic Literature, (New York, 1996) p. 1522.

Mechilta, from *servants* onwards is identical to M. Bechorot 8,8. PsY almost certainly made use of one of these two sources. We cannot be certain which but it is likely, because of the different structure and functions of the two works, that he would have referred to Mechilta on a verse-by verse basis, whereas he would consult Mishnah on particular legal topics. PsY has dropped the reference to *writs, land and that which has been dedicated* but retained the reference to servants.

Exodus 16,5:

And it shall be on the sixth day that they shall prepare that which they bring in and it shall be twice as much as they prepare daily.

PsY: ...they shall prepare that which they bring in *to eat on the Sabbath day and they shall make an Eruv (= combination) in the houses and they shall make a merging in their courtyards in order to bring from one to the other and they shall take twice as much...*

...ויוזמנו מה דייתן לקמיהן למיכל ביומא דשבתא ויערבון בבתיא וישתתפון בדרתיהון בגין
למיתייא מדין לדין ויהי להון בכופלא על מה דמלקטין...

Mechilta (Vayassa 2, p 161) understands the opening part of this verse as referring to the establishment of an Eruv. PsY is less terse than usual, which may be because he considered this to be a theme that people ought to be aware of, in the same way that he stresses that women do not wear tefillin (page 85) or provides a lot of detail regarding the construction of a Succah (page 41).

Exodus 16,29:

See that the Lord has given you the Shabbat; therefore he gives you on the sixth day a two-day portion of bread, each man stay in his place, no man may go out from his place on the seventh day.

PsY: each man stay in his place, *and do not move anything more than four cubits from domain to domain*; no man may go out from his place *to walk more than two thousand cubits*.

שרון גבר בארתיה ולא תמלטלון מדעם ברשותא לרשותא בר מארבעה גרמדי ולא יפוק אינש
מאתריה לטיילא לבר מתרין אלפין גרמדי ביומא שביעאה.

This is drawn in the main from Mechilta Vayassa 5 (p. 170): **each man stay in his place- these are four cubits, no man may go out from his place- these are two thousand cubits.** PsY is probably using Mechilta for his understanding of this verse.

The comments about not moving from domain to domain are so widely known that it is probable that PsY is using his own reasoning to add them to the material he has drawn from Mechilta.

Exodus 21,15:

And he who smites his father or mother shall surely die.

PsY: **And he who *injures* his father or mother shall surely die *by strangulation with a scarf.***

ודחבל באבוי ובאימיה אתקטלה יתקטל בשינוקא דסודרא.

a) PsY translates מכה as *injures* which agrees with Mechilta (Nezikin 5, p. 265) that an injury is necessary for the death penalty to be invoked.

b) Mechilta (idem) describes the process of strangling as taking place with a scarf (צוארו ונותנין) על (סודרא). PsY uses the same terminology for the instrument of strangulation.

Exodus 21,19:

If he arises and walks outside on his staff, then he that smote him shall be acquitted, only he shall pay for the loss of his time and shall cause him to be completely healed.

PsY: ... and walks *in the market* on his staff...

...ומהלך בשוקא על מורגיתיה...

This is derived from Mechilta, Nezikin 6. According to the reading in Horowitz' edition the culprit is acquitted if the victim walks anywhere, not just in the market: **If he arises and walks outside. Do I hear even in the house? We learn outside. If outside, do I hear even in the markets? We learn If he arises and walks outside.** But in the Livorno printed edition of Mechilta⁸⁶ we read: **If he arises and walks outside. Do I hear even in the house? We learn outside If outside, do I hear even feebly in the markets? We learn If he arises.** On this reading, Mechilta assumes that **outside** means *market* and disputes only the agility with which he has to walk for the culprit to be acquitted. It seems probable that Mechilta was the source which

⁸⁶ As cited in Horowitz' critical apparatus. H.S. Horowitz & Y.A. Rabin, *Mechilta d'Rabbi Ishmael*, (Jerusalem, 1970). Nachmanides' commentary to the Torah (idem) preserves a similar reading from Mechilta but omits the word *markets*.

encouraged him to identify **outside** as *market*, although it is not clear what purpose he felt this served.

Exodus 21,28:

And if an ox shall gore a man or woman to death, the ox shall surely be stoned and its flesh shall not be eaten, and the owner of the ox shall be acquitted.

PsY: the ox shall surely be stoned and *it shall not be slaughtered so that its flesh shall not be eaten, and the owner of the ox shall be acquitted of the death penalty and of paying the value of a slave or woman servant.*

...יתרגמא יתרגם תורא ולא יתנכם למיכול ית בשריה ומריה דתורא יהי זכאי מדין קמול ואף
מדמי עבדא ואמהו.

a) PsY agrees with Mechilta (Nezikin 10 p.281) in warning that the ox must not be slaughtered with the intention of eating it before the death penalty is carried out and it becomes unfit.

b) PsY agrees with R. Gamliel in Mechilta⁸⁷ Nezikin 10, (p.310) in that the owner of the ox is not obliged to forfeit the value of a slave. This contrasts with M. Baba Kamma 4,5 which requires thirty selas to be paid. PsY also acquits the owner of liability to the death penalty; this is not specified in Mechilta but is implied in the text.

Exodus 22,2:

If the sun has risen upon him, there is blood liability for him, he shall make restitution; if he has nothing he shall be sold for his theft.

PsY: *...if he has nothing with which to pay then the Bet Din will sell him for his theft, and until the Shemitta year.*

...אין ליה ליה מה דמשלם ויודבין ליה בית דינא פן גניבותיה ועד שתא דשמיטתא.

PsY says that the thief caught in the act of breaking in is sold until the year of Shemitta. Mechilta Nezikin 13 says he is freed seven years after being sold. These coincide only if he is sold at the beginning of the Shemitta cycle.

Yitzhaky⁸⁸ argues that this counters halacha, and that PsY holds that the general rule is to free slaves in the Shemitta year, not in the seventh year. Maori⁸⁹ and Ahavat Yonatan (idem)

⁸⁷ RShbY attributes this view to R. Akiva, who holds a different view according to Mechilta.

⁸⁸ E. Yitzhaky, The Halacha in Targum Yerushalmi 1 p.75.

conclude that we have here an unattested halacha. However Maori notes that the Zohar (III 108a) agrees with PsY.

In Deuteronomy 15,12 PsY, following the literal wording of the text, is forced to state that a slave is freed in the seventh year after being sold. He rules likewise in Exodus 22,2. Either Yitzhaky is right and PsY is internally contradictory, or PsY is consistent and uses the word Shemitta informally to mean a seven year period.

We cannot accept the first of these two options until we have eliminated the possibility that we do not fully understand the nuances of PsY's language.

In Exodus 12,40 PsY states that "the days that the children of Israel dwelt in Egypt were 30 Shemittas of years (שמיטין דשנין) which total 210 years..." Yitzhaky uses this to prove that PsY regarded the Israelites as having been freed in a Shemitta year, in accordance with his view of halacha. Yet it could equally mean that PsY uses the word Shemitta in a non-formal sense to indicate a seven year period. The period in Egypt was indeed 210 years. PsY can be using Shemitta to mean a "week of years". Just as in English, when we speak of a week, we do not necessarily mean from one Sunday to another, so too here there may have been no intention to refer to the formal Shemitta.

Exodus 22,28:

You shall not delay your fullness and your juice; the firstborn of your sons you shall give to Me.

PsY: *You shall not delay to offer the first of your fruit and the first wine of your presses in their time to the place of My Shechina...*

בכורי פירך וביכורי חמר נעווד לא תשהי על זמניהון מן לאסקותהון לאתר שכינתי...

Mechilta Kaspa 19 (p.318) defines **your fullness** as the first fruits and PsY seems to follow this. Mechilta differs from PsY over **your juice** (דמעך), which it defines as the heave offering. Later commentators (Saadia, Ibn Ezra, Rashbam) see the root as the same as דמע, a tear, and understand it as meaning the first of the wine and oil, similar to PsY. PsY is clearly different to Mechilta. Whether this is the product of his own reasoning or of some other source is not clear.

If he used Mechilta to translate **fullness** but derived *first wine* independently, this implies that Mechilta may have been used as a source book, but not an exclusive authority.

⁸⁹ Maori "Al Y'haso shel Targum HaTorah" p. 248, note 77.

Neofiti agrees with Mechilta in translating דמַעַךְ as priestly offering.

Leviticus 1,2:

Speak to the Children of Israel and say to them, if a man amongst you shall offer an offering to the Lord, from the cattle, from the herd and from the sheep, you shall offer your offering.

PsY: ..if a man amongst you *and not from the apostates, idol worshippers*, shall offer an offering to the Lord, from the *clean* cattle, from the herd and from the sheep, *but not from the wild animals...*

...אינש די יקרב מנכון ולא מן מוכריא פלחי אלייליא קרבנא קדם ה' מן בעירא דכיא מן תורי

ומן ענא ולא מן היתא...

Sifra (Nedava Parasha 2,3) ...a man *to include converts, amongst you to exclude apostates...*

Sifra (Nedava Parasha 2,6)....an offering to the Lord -cattle. *Could one think even wild animals?we learn (otherwise) from the herd and the sheep.*

PsY uses the cognate of the term in Sifra, מומר, apostate, to designate those who are excluded from bringing a sacrifice. The definition of an apostate as someone who worships idols is found in a Tannaitic discussion recorded in B.Eruvin 69b.

The exclusion of wild animals is likewise found in Sifra. Sifra does not mention the fact that the animal must be clean, but this is found in the parallel baraita in B.Zevachim 34a, which includes the single additional word כָּשֵׁר⁹⁰.

Leviticus 5, 15-16:

If anyone commits a trespass and sins unwittingly from the holy things of the Lord, he shall bring his forfeit unto the Lord, a ram without blemish out of the flock, according to your valuation in silver of shekels of the shekel of the sanctuary, for a guilt offering. And he shall repay that which he sinned from the holy thing and shall add a fifth to it and give it to the priest and the priest shall make atonement for him with the ram of the guilt offering and he shall be forgiven.

PsY: If anyone commits a trespass and sins unwittingly *by benefiting* from the holy things of the Lord...according to *its* valuation in silver *according to the value of the benefit of the*

⁹⁰ PsY uses the word דכי rather than כשר so the parallel may not be exact.



holy things that he benefited from of shekels... And he shall repay the benefit of the holy things, that which he sinned in the holy thing...

בר נש ארום ישקר וייהוב בשלו ויתהני מן קדשא דה' וייתי ית קרבן אשמיה לקדם ה'
דכר שלים מן ענא בעילוייה כסף הי בדמי הינית קדשא דאיתהני סילעין... וית הניית קדשא
דהב מן קדשא שלים...

The interpolation *by benefiting* is in accordance with Sifra (Hova Parasha 11,2) which itself has almost certainly been copied from M. Meilah 5,1. PsY may infer that since Sifra understands 5,15 to refer to gaining benefit, therefore 5,16 also refers to benefit. But there is no significant textual reason why he has to mention benefit twice, the interpolation in 5,15 would have sufficed to clarify the context of 5,16 also. It may be that he inserted it into both verses for consistency. It is possible that PsY had a tradition which referred to benefit in respect of 5,16 and that he made use of this.

Leviticus 7,29:

Speak to the Children of Israel, saying; he that offers his sacrifice of peace offerings to the Lord, shall bring his offering to the Lord out of his sacrifice of peace offerings.

PsY: ...he shall bring his offering, *himself*...

...וייתי בגרמיה ית קרבניה....

Sifra Tzav Pta 11,3 derives that the verb **he that offers**, together with the opening phrase of the next verse, **his hands shall bring it** refers to the owner of the sacrifice, who brings it together with the priest.

Leviticus 8, 23:

And he slaughtered; and Moses took of its blood and he put it on the tip of Aaron's right ear, and on the thumb of his right hand and on the big toe of his right foot.

PsY: ... and he put it on the tip of Aaron's *ear which is the middle protuberance of the right ear*, and on the *middle joint* of his right hand and on the *middle joint* of his right foot.

...וייהב על הכתום אדנא דאתרן דהוא גדירא דמציעאה דאדן ימינא ועל פורקא מיצעא דידיהן
דימינא ועל פורקא מיצעא דרגליה ימינא.

PsY translates תנוך, which is generally rendered in English as “the tip of the ear” as the *middle protuberance*- גדירא דמציעאה - בהן. generally translated as “thumb” and “big toe”- is rendered

as *middle joint*- פורקא מצינא In both cases he uses the Aramaic cognates of the Hebrew text in Sifra (Milluim 1,21), פרק האמצעי and גדר האמצעי.

Leviticus 11,36:

But a fountain or a pit, a gathering of water (מקוה מים) shall be pure, and anyone who touches their carcass shall be unclean.

PsY: ...anyone who touches their carcass *in these waters* shall be unclean.

... ברם די יקרב בנבילהון בגו מיה האיילין יהי

Sifra Shemini Parasha 9, 5-7 records three opinions of the phrase **and anyone who touches their carcass shall be unclean**. PsY chooses the first of these, attributed to Hillel, as his preferred interpretation. The others are attributed respectively to R. Yose the Gallilean and Rabbi Akiva⁹¹. The three interpretations do not conflict with each other but each seek to apply the verse to a separate case. It does not seem that Hillel's view can be tailored to fit the meaning of the verse more than any of the others, which indicates that PsY was basing himself on an halachic tradition rather than a translational need. However, since Hillel's interpretation is very ancient, we cannot say that PsY took it from Sifra. It may just as easily have come from another tradition from which Sifra also drew it.

Leviticus 13, 3-4:

And the priest shall see the plague in the skin of the flesh, and if the hair in the plague has turned white, and the appearance of the plague is deeper than the skin of his flesh, it is a plague of leprosy, and the priest shall see it and declare him unclean. And if it is a bright spot, white in the skin of his flesh and its appearance is not deeper than the skin, and its hair is not turned white, then the priest shall shut up the plague seven days.

PsY: ...and the appearance of the plague is deeper *having become white as snow* than the skin of his flesh... And if it is a bright spot, white *like lime* in the skin of his flesh and its appearance *having become white as snow* is not deeper than the skin....

וחיזיו דמכתשא עמיק למחזור כתגלא יתיר ממשך בשריה... ואם בהקי חיורתא כסידא הוא

במשך בישריה ועמיק לית חיזויה למחזור כתגלא יתיר מן משכא...

⁹¹ Rabbi Yose understands the phrase to imply that uncleanness comes through touching, but not carrying. Rabbi Akiva understands it to include vessels made from bone.

PsY's use of the metaphors *white as snow* and *like lime*, which assist in identifying the disease, come from M. Negaim 1,1.

Leviticus 13,46:

All the days that the plague is in him he shall be unclean, he is unclean, he shall dwell alone, outside the camp shall be his dwelling.

PsY: ...**he shall dwell alone, *he shall not approach his wife's side* outside the camp shall be his dwelling.**

...בלחודו יתוב ולצד אינתתיה לא יתקרב מברא למשריתא מותביה.

PsY seems to be using the exegesis in Sifra Metzora Parasha 2,11, which understands in Leviticus 14,8 as referring to *his wife's side*. PsY inserts that interpretation into this verse. It is unclear why PsY chooses to do this. He is probably clarifying the phrase **he shall dwell alone**, but Sifra provides an alternative explanation of this which PsY does not take up. Perhaps his gloss indicates that there was an awareness in his time of how diseases were transmitted; or perhaps he considered biblical leprosy, which we cannot identify, as a form of venereal disease. Perhaps he is noting that just as when a woman is in a state of impurity, her husband may not have relations with her, so too when he is ritually impure he may not approach her.

Leviticus 14,8:

And he that is to be cleansed shall wash his clothes, and shave off all his hair and bathe himself in water and he shall be clean, and after that he may come into the camp, and he shall dwell outside his tent seven days.

PsY: ...**outside his tent *his dwelling place and he shall not approach his wife* seven days.**

...ויתב מברא למשכן בית מותביה ולא יקרב לצד אינתתיה שובעא יומין

PsY uses Sifra's (Metzora Parasha 2,11) non-literal understanding that during the purification process, **his tent** refers to the leper's wife. See the comments on the Leviticus 13, 46 (page 52).

Leviticus 15,2:

Speak to the Children of Israel and say to them, any man who will have an issue in his flesh, his issue is unclean.

PsY: ...**his issue *he sees three times* is unclean.**

...דוייה דמא תלת זימני מכאב הוא.

M. Zavim 1,1 and Sifra Zavim 1,3 states that a flux sufferer is unclean from three sightings. PsY agrees with these sources.

Leviticus 15,3: And this shall be his uncleanness in his issue, whether his flesh runs with his issue or his flesh be stopped up from his issue, it is his uncleanness.

PsY: And this shall be his uncleanness *a white colour* in his issue...

ודא תהי כאובתיה גוון חיוור בדייה...

PsY agrees with Sifra (Zavim 1,7): *He defiles through a white colour, and he does not defile through blood.*

Leviticus 15,12:

And an earthen vessel which he who has the flux touches shall be broken, and every wooden vessel shall be rinsed in water.

PsY: And an earthen vessel, *the inside of* which he who has the flux touches...

ומאן דפער דיקרב בגייה דובנא יתבר...

Sifra Zavim 3,1: *We learn which he touches and we learn elsewhere (Leviticus 6,21) which you shall boil in it. Just as there it means what is inside⁹² it, so here it means what is inside it.*

Again PsY agrees with Sifra.

Leviticus 15,25:

And a woman who has an issue of her blood for many days not at the time of her impurity, or if she has an issue beyond the time of her impurity all the days of the issue of her uncleanness she shall be as in the days of her impurity, she is unclean.

PsY: And a woman who has an issue of her blood for *three days*...

ואינתתא ארום ידוב דוב אדמא יומין תלתא.

PsY substitutes *three days* for *many days*. Sifra (Zavim Parasha 5,8) also understands *many days* as meaning *three days*, presumably so as to make the law more specific.

Leviticus 15,31:

And you shall separate the children of Israel from their uncleanness and they shall not die in their uncleanness, when they defile My sanctuary which is in their midst.

⁹² Literally, *of its air*.

PsY: ...from their uncleanness and they shall separate from their wives close to their menstruation...

ותפרשין ית בני ישראל מן כאובתיהון ויתפרשין מן נשיהון כמך לווסתהון...

PsY's comment is identical with the *baraita* quoted in the name of R. Yoshiyah in B. Shevuot 18b and R. Yeremiah in B. Niddah 63b⁹³. Maher⁹⁴ notes that PsY's word for menstruation ווסתה appears nowhere else in Aramaic, although its Hebrew cognate is well known. PsY is clearly copying the *baraita*⁹⁵.

Leviticus 16,21:

And Aaron shall rest his two hands upon the head of the living goat, and confess upon it all the iniquities of the children of Israel, and all their transgressions according to all their sins, and shall put them upon the head of the goat and send it by the hand of a man made ready into the wilderness.

PsY: ...and shall put them by an uttered oath and expressed by the Great and Precious Name upon the head of the goat...

...וידדי עלוי ית כל עויית בני ישראל וית כל כרדיהון לכל הטאיהון ויתן יתהון בשבועה אבירא

ומפרשא בשמא רבא ויקרא על ריש צפירא...

PsY's mention of an oath using the divine name is well attested. Y. Yoma 3,7 (40d): *Ten times did the High Priest mention the Divine Name on Yoma Kippur, six over the calf and three over the goat and once over the lots. Those who were near fell on their faces, those who were further away recited "Blessed be the Name of the glory of His Kingdom for ever and ever".*

Leviticus 16,29:

And it shall be for you as an everlasting statute, in the seventh month on the tenth of the month you shall afflict your souls, and you shall do no work, the native and the stranger who dwells amongst you.

⁹³ The attribution in Shevuot is almost certainly the correct one. R. Yeremiah is an Amora.

⁹⁴ M. Maher *Aramaic Bible Vol. 3*, (Edinburgh, 1994), p.165.

⁹⁵ cf. Reifmann's illuminating treatment of PsY's difficult comment on Exodus 17, 15: **And Moses built an altar and called it The Memra of the Lord is my miracle, for the Miracle that the Omnipresent (אתרא) performed was for my sake.** The use of אתרא, literally *place* to designate the Omnipresent, is otherwise unknown in Targumic literature. Yet its Hebrew cognate, נקום, is frequently used in this sense. Reifmann showed that PsY was translating directly from Mechilta (Parshata d'Amalek 2, p. 186) thus accounting for the previously unknown use of the Aramaic אתרא. Y. Reifmann "He'arot al-Targum haMeyuhas l'Yonatan ben Uzziel" *Bet Ha Talmud*, 1, (5641), p. 219.

PsY: ...you shall afflict your souls, *from eating and from drinking and from benefit of the bath house and anointing, and shoes and intercourse...*

...בעשרה יומין לירדה תענון ית נפשתיכון מן מיכלא ומן משתיא ומן הויית בני ותמרוקא ומסנא
ותשמיש ערכא...

M.Yoma 8,1 and Sifra Aharei 8,3 lists the same prohibited acts, in the same order. There is little doubt that PsY is copying from the Mishnah, perhaps by way of Sifra. The only difference is in respect of washing. The Mishnah, followed by Sifra, prohibits washing in general whereas PsY confines this to *benefit (or enjoyment) of the bath house*. It is possible that PsY is permitting essential washing, following the *baraita* in B.Yoma 77b.

Leviticus 18.21:

And from your seed you shall not give, to cause them to pass to Molech, and you shall not defile the name of your God, I am the Lord.

PsY: And from your seed you shall not give *in intercourse with a daughter of the nations, to cause them to pass to idolatry...*

ומן זרעך לא תתן בתשמישתא לציד בת עממין למעברא לפולחנא אחרא...

This is one of the most problematic verses in PsY. Rabbi Yishmael in Midrash Tannaim (to Deuteronomy 18,10) and in Y. Megilla (4,10) is the authority for PsY's understanding of the verse. But the Mishnah (M. Megilla 4,9) specifically prohibits a Targum from translating in this way.

Jubilees (Ch. 30) seems to support R. Yishmael's view and this lends weight to the antiquity of this translation. But PsY's defiance of the ruling in the Mishnah does not, as Yitzhaky claims, necessarily point to the pre-Mishnaic provenance of PsY. It may be that he preserves a pre-Mishnaic targumic tradition, but equally he may have been aware of the Mishnah and decided to reject its stricture. This passage provides strong evidence for Shinan's view that PsY is a literary work, written for a reader rather than a synagogue audience. PsY would not have felt himself bound by the Mishnah's ruling, since he was not delivering a Targum in the conventional sense. Indeed, he may even have been displaying an element of bravado in reproducing this translation.

The verse is also noteworthy, in that it occurs in the list of forbidden unions, yet it can only be interpreted as prohibiting a sexual relationship if the word *seed* is translated literally, rather than as "children". If the verse can be used in this sense it not only fits the context of the passage but

also becomes a prohibition against intermarriage, which does not occur elsewhere in the Torah⁹⁶. This is presumably how the interpretation which the Mishnah was later to forbid arose, and perhaps PsY chose to retain it as a stricture against intermarriage. He is aware of the source and decides it meets a polemical need.

Leviticus 20,11:

And a man who shall lie with his father's wife, he has uncovered his father's nakedness, the two of them shall surely die, their blood is upon them.

PsY: ... **his father's wife** *whether she is his mother, whether she is another...*

ונבר די ישמש עם אתת אבוי בין דהיא אביה בין דהיא הרנייתא ...

Sifra (Kedoshim 10,9): **His father's wife** *means (whether) she is his father's wife that is his mother, (whether) she is his father's wife that is not his mother...*

PsY follows Sifra.

Leviticus 21,9:

And the daughter of a priest if she profanes herself in harlotry, she is profaning her father, she shall be burnt in fire.

PsY: **And the betrothed daughter of a priest, who takes herself astray in harlotry while she is in her father's house, and commits harlotry, she shall be burnt in fire.**

תתוקד. וברת גבר כהן מארכא ארום תפס גרמה לכמע' בזני עד דהיא עם בית אבוהא וזנית בנורא

Y.Sanhedrin 7,1 (24b) quotes both R. Shimeon and the Rabbis, in discussing the form of the death penalty, as applying this verse to any betrothed girl. Sifra Emor 1,16 states that the verse treats of any Cohen's daughter. R. Eliezer in Sifra Emor 1,18 understands that immolation applies to a girl living in her father's house. PsY seems to draw elements both from Sifra and Y. Sanhedrin and inserts them into the biblical context. When we encounter what appears to be a hybrid construction, such as this, we should consider that PsY may not be using both sources, but drawing on a third tradition that we no longer know.

⁹⁶ R. Yishnael, whose opinion in Y. Megillah 4,10 we quoted above, and also in B. Megillah 25a, clearly understands the verse as a prohibition against intermarriage. The Mishnaic prohibition may only be against translating the verse publicly as such, rather than understanding it as such. The generally accepted interpretation however, following B. Sanhedrin 64b, is that the verse is a prohibition against sacrificing one's children in Molech worship, understanding the word seed to mean offspring.

Leviticus 22,5:

Or a man who will touch any insect whereby he may become unclean, or a man by which he becomes unclean, for all his uncleanness.

PsY: ... or a *dead* man by which he becomes unclean, whatever uncleanness *in his life*.

...או באינשא דמית דיכתאב ליה ולכל סאובתיה בהיוי.

The first interpolation agrees with Sifra (Emor 4,4). PsY may also be using Sifra (loc. cit.) in the second interpolation- **all his uncleanness** being taken by Sifra to include those suffering from bodily emissions, but equally both PsY and Sifra may be clarifying the verse independently- **all his uncleanness** means **whatever uncleanness in his life**.

Leviticus 22,24:

That which is bruised, or crushed, or torn, or cut, you shall not offer unto the Lord, and you shall not do so in your land.

PsY: That which *has its testicles* bruised, or crushed, or *that its member is* torn or cut....

דמעך ודכתישין פחדוי ודשחית ודמרסין גדוי ... ובארעכון לא תסרסון.

PsY agrees with R. Yose in Sifra (Emor 7,9), in that the first two verbs refer to testicles and the last two to the member. But this of course is also directly implied by the verse.

Leviticus 22,27:

An ox or sheep or goat which will be born shall be seven days beneath its mother, and from the eighth day and onward it shall be accepted for a fire offering to the Lord.

PsY: ... which will be born *in the natural way (way of the world)*seven days beneath its mother *in order that it be recognised that it was not a miscarriage*.

...ארום יתילד כאורח עלמא ויהי שבעתא יומין בתר אמיה מטול דישתמודע דלא נפיל...

Sifra (Emor Parasha 8,1) excludes breech births from the regulations in this verse. PsY's first interpolation may reflect this.

In the second interpolation PsY is importing the ruling of the Palestinian Talmud (Y.Yevamot 11,7 (12b)) that a premature animal is judged to be viable after seven days. He does this in order to explain why it was necessary to have the biblical phrase **seven days beneath its mother**.

In Leviticus 22,28 PsY goes out of his way to interpolate a view that divine mercy is the reason why an animal and its young should not both be slaughtered on the same day. He makes this

statement in defiance of a rabbinic stricture in the Palestinian Talmud (Y. Berachot 5:3 (9c)), that specifically proscribes a translation which nevertheless appears almost word for word in PsY: *My people, children of Israel, just as I am merciful in heaven so you be merciful on earth; a cow or ewe, it and its offspring you shall not slaughter on one day*. Here too he could have said that compassion dictates that an animal and its mother are not to be separated for a week. But instead he gives a practical, human-orientated reason.

Leviticus 25,17:

And you shall not wrong each other, and you shall fear your God, I am the Lord your God.

PsY: **And you shall not wrong each other** *with harsh words*...

ולא תונין גבר ית הבריה במילין קשין...

Sifra (B'har 4,1): **And you shall not wrong each other-** *this is oppression with words*...

PsY agrees with Sifra and is consistent with his view in Exodus 22,20 (page 34).

Leviticus 25,29: A person who sells a dwelling house in a walled city, then he may redeem it within a whole year after it is sold, for “days” shall he have the right of redemption.

PsY: **...a dwelling house in a fortified place that is surrounded by a wall...**

...בית מותבא בבורנין דמקפין שור...

PsY chooses the word *bornin* (בורנין) meaning a fortified place⁹⁷ to denote a city. The Mishnah (Erakhin 9,6) states that a house in a town whose house-roofs (in the Cambridge Manuscript⁹⁸ "whose gardens") forms the city wall, or a city not walled in the time of Joshua. is not counted as a **dwelling house in a walled city**. PsY, in stressing that the wall has to be a fortification seems to be confirming the intention of the Mishnah to limit “walled cities” to those with established defences. Perhaps בורנין, with its alternative meaning of palace or castle implies this. He may feel that the text calls for an explanation of what a walled city is; he provides this explanation by illustrating the type of wall but does not cite Mishnah’s reference to Joshua, either because it would be too cumbersome to include this as well, or because he feels it has little practical consequence.

⁹⁷ See M. Jastrow, A Dictionary, s.v. בירמא

Numbers 5,6:

Speak to the Children of Israel, a man or woman who will commit any of the sins of a person, to commit a trespass against the Lord, and that person shall be guilty.

PsY: ... any of the sins of a person, *to commit falsehood* against the Lord.

...גבר או איתתא די יעבדון מכל חובי אנשא למשקרא שקר קדם...

PsY translates the Biblical למעל מעל, **to commit a trespass**, as למשקרא שקר *to commit falsehood*.

Sifrei Numbers 1 (p.5): **Trespass** (מיעלה) *always means falsehood* (שיקור). PsY uses the same language as Sifrei to translate the technical word **trespass**.

Numbers 6,2:

Speak to the Children of Israel and say to them, a man or woman who shall clearly utter a vow, the vow of a Nazirite, he shall consecrate himself to the Lord.

PsY: ...a man or woman *because he has seen the suspected wife in her disgrace*...

...גבר או איתתא ארום חמין כטיתא בקלקולא...

PsY is using the baraita in Sotah 2b. He uses the Aramaic cognate of the Hebrew word (קילקול) which the baraita uses for *disgrace*.

Numbers 8,2:

Speak to Aaron and say to him, when you kindle the lamps, the seven lamps shall give light in front of the Menorah.

PsY: ...the seven lamps shall give light in front of the Menorah *three towards the west wind and three towards the east wind and the seventh in the middle*.

...יהון מנהרין שבעתי בוצינא תלת לקבל רוח מערבא ותלת לקבל רוח מדינחא ושביעא

במציעאה.

Sifrei Numbers 59 (p.57)*three towards the east and three towards the west and one in the middle*.

PsY parallels Sifrei Numbers, with only slight change of language. This is an halachic comment inasmuch as it dictates the east-west alignment of the Menorah.

⁹⁸ "MS Cambridge: University Library Add 470: 1. circa 1400". Published by W.H. Lowe, The Mishnah on which the Palestinian Talmud Rests, (Jerusalem, 1967)

Numbers 15,7:

And wine for the libation a third of a hin, you shall offer as a sweet fragrance to the Lord.

PsY: And wine a third of a hin, you shall offer *in bowls* for the libation...

וחמר עינבא תלתות הינא תקריב בכפלי לניסוכא...

PsY departs from his normal precise method of translating the Hebrew text in its original order, and then interpolating into it. Here he moves the position of **for the libation**. That the wine offering is to be brought in bowls, rather than poured onto the sacrifice is required by Sifrei Numbers 107 (p.110), but the comment is made with reference to Numbers 15,10, not to our verse. The text of PsY may have become confused here, the reference to bowls may have originally appeared in PsY to 15,10 but somehow was inserted into this verse together with an inverted word order.

Numbers 15,13:

Every native in Israel shall in this way do these, to offer a fire offering of sweet fragrance to the Lord.

PsY: Every native in Israel, *and not amongst the nations* shall in this way do these libations ...

כל יציבא בישראל ולא בבר עממין עביד היכדין ית אלין נסוכייה...

PsY associates the verse with libations, which is not explicit from the biblical text. Sifrei Numbers 107 (p.111) notes that a non-Israelite may bring a burnt offering and concludes that when this verse specifies that only an native may bring **these**, it is referring to libations: *We learn Every native in Israel shall in this way do these - an Isrueelite brings libations and a foreigner does not bring libations*. PsY is using Sifrei Numbers to relate this verse to libations and to specify that foreigners are excluded from bringing them.

The preceding verses in the Pentateuch dealt with a variety of sacrifices, their meal offerings and libations in that order. Our verse comes at the last of three verses that summarise the previous passages. Sifrei Numbers and PsY may regard this verse as implicitly referring to the libations that have already been mentioned.

Numbers 15,19:

And it shall be when you eat of the bread of the land you shall set apart a portion (תרומה) for the Lord.

PsY: ... of the land *and not of the rice or millet or pulses* you shall set apart a portion for the Lord.

ויהי במיכלכון מלחמא דעללתא דארעא ולא מן אריוזא דוחינא וקיטני תפרשון...

All the relevant Tannaitic sources (M. Hallah 1,1 M. Menahot 10,7, Sifrei Numbers 110 (p.113), Sifrei Zuta 15,19) specify the species which are liable to have dough offering taken from them. Sifrei specifically excludes rice and millet, but in place of PsY's *pulses* (קיטני) has "vine shoots (פרגים) and sesame". Mechilta Bo 17 (p.64), in discussing the grains that may be used to make unleavened bread, also excludes rice, millet, vine shoots, sesame and pulses (קטניות).

Mechilta Bo 17 (p. 64) and Sifrei Numbers 110 (p.113) are almost certainly using a common tradition and PsY is drawing on this. We cannot say that he prefers the version in Mechilta over that in Sifrei, since his version of Sifrei may have contained a word missing from ours. Sifrei would be the natural source for PsY to turn to for a comment on a verse from Numbers and it is more likely that either he was copying part of our text (since he omits vine shoots and sesame) than that he turned to Mechilta. Alternatively, he may have had an imperfect recollection of the halacha.

Numbers 15,20:

The first of your dough, a loaf (challah) you shall set aside as a gift, as that which is set apart of the threshing floor, so you shall set it apart.

PsY: ...a loaf (challah), *one twenty-fourth* you shall set aside...

שירוי אצוותכון חלתא דד מן עשרין וארבעה תפרשון...

M. Challah 2,7 and Sifrei Numbers 110 (p.115) state that the measure of a householder's **challa** is one twenty fourth of the dough, and a baker's is one forty-eighth. If PsY is in accord with these sources, he must consider this verse to apply to householders only . This is reasonable from the context of the passage in which it is set.

Numbers 28.5:

And a tenth of an ephah of fine flour for a meal offering mingled with a quarter of a hin of beaten oil.

PsY: ... fine *wheat* flour...

והד מעשרה בתלת סווין סמידא דהינטיא למנהתא...

PsY agrees with Sifrei Numbers 142 (p. 189) that the meal offering is from wheat flour. Sifrei Numbers derives this from Exodus 29,2.

Numbers 30.3:

A man who shall vow a vow before the Lord, or swears an oath to bind his soul with a bond, he shall not break his word; he shall do according to all which comes out of his mouth.

PsY: A man *of thirteen years...* or swears an oath to bind his soul with a bond *of something that is permitted*, he shall not break his word *however the Bet Din shall release him, and if they do not release him*, he shall do according to all which comes out of his mouth.

גבר בר תליכר שנין ארום ידר נדרא ... אז יקיים קיים למיכר איכר ממדעם דהתירא על נפשיה
לא יפס פתגמיה ברם בית דינא שרן ליה ואין לא שרו ליה ככל מה דיפוק מפומיה יעביד.

a) PsY agrees with Sifrei Numbers 153 (p.199) and M. Niddah 5,6 that the verse applies to a man over thirteen years old.

b) PsY agrees with Sifrei Numbers 153 (p.200) and Sifra Hova Parasha 9,6, that one can only vow to do something that is legally permitted: *Could one think that even if he swore to eat carrion and torn meat and insects and creeping animal? Since I read here he shall do according to all which comes out of his mouth, I learn from לאסר אסר - to bind his soul with a bond*⁹⁹, *that this is to forbid the permitted and not to permit the forbidden.*

c) Regarding the Bet Din, PsY agrees with R. Yehuda in Bekhorot 36b. The original source for R. Yehuda's ruling is lost, we can only surmise that this was available to PsY and that he preferred it to R.Yose who required a Bet Din only when there was not an expert sage available. Samely¹⁰⁰ shows that it is a concern of the Targumist, and PsY in particular, to place

⁹⁹ Reading אסר as to forbid rather than to bind

¹⁰⁰ A. Samely The Interpretation of Speech, pp. 19-22.

legal discussions in an institutional location, either the Bet Din or Sanhedrin according to context and co-text.

The issue of releasing vows is one which shows signs of evolving over time and causing much debate on the way¹⁰¹. PsY makes the point that vows can be annulled. Clearly this was not in the Biblical text, but even by Mishnaic times it seems that vows were causing hardship and the rabbis were seeking ways to nullify them, however tenuous the scriptural basis for this may have been¹⁰². PsY therefore represents a stage in the process whereby the nullification of vows passed into religious tradition. Perhaps this was a significant issue in his time, which is why he uses the sources to provide details of the law.

We see PsY using Sifrei for the first two interpolations, and a baraita for the third.

Numbers 30,4:

And a woman who will vow a vow to the Lord, or bind herself by a bond, in her father's house, in her youth.

PsY: *And a woman who is not over twelve years old ...in her father's house, until twelve years old.*

ואתתא דלא עברת תריסר שנין...בבית איבהא עד תריסר שנין.

PsY translates **in her youth** as *until twelve years*, and sees the whole verse as applying to such a case. This agrees with Sifrei 153 (p.200), Sifrei Zuta (30,4) and M. Niddah 5,6 which set twelve years and one day as the age after which a girl's vows must stand. The later halacha modified this so that even a child of twelve years and six months can have her vows overturned by her father. Because PsY does not mention this, and only allows the father of a girl under twelve to overturn her vows, Yitzhaky considers the Targum to be in conflict with "all the sources"¹⁰³.

But PsY agrees with all the relevant Tannaitic sources and provides a practical detail of the law.

¹⁰¹ For a good overview of the subject see S.W. Gershon, Kol Nidrei - Its origin, development and significance, (Northvale, 1994), pp. 1-26.

¹⁰² M. Hagigah 1:8 *The (rules about the) release of vows hover in the air and have nothing to support them*. B. Hagigah 10a does however seek to find scriptural precedents, including one taken from our verse: **he shall not break his word, however others may break it for him**. Y. Hagiga 1,8 (76c) uses our verse to indicate that a single sage may repeal a vow.

¹⁰³ E. Yitzhaky The Halacha in Targum Yerushalmi I, p. 497.

Numbers 30,15:

And if her husband, being silent, will be silent towards her from day to day, then he will establish all her vows, or all her bonds which are upon her, he has established them for he was silent towards her on the day that he heard it.

PsY: ...from *the day that he heard to another day*...

... מיום דשמע ליום חורן...

Sifrei Numbers 156 (p.208), and T. Nedarim (6,1) record opinions relating to whether **from day to day** means just on the day of hearing, or if it means from *one time to another*, i.e. a 24 hour period until the same time on the following day. PsY agrees with R. Shimeon bar Yohai in Sifrei against the anonymous ruling there, and agrees with R. Yose b Yehuda and R. Eleazar b. Shimon in Tosefta.

This does seem to contradict M. Nedarim 10,8, which hold that vows are only revoked on the day of hearing, although the discussion in Y. Nedarim 10,10 (42a) does not conclusively favour either opinion. But first and foremost, PsY must consider that *the day that he heard to another day* is the most suitable translation of מיום אל יום.

Numbers 31,20:

And every garment, and all vessels of skin and everything made of goat and all wooden vessels you shall purify.

PsY: ... everything made from goats *the horn and the bone*...

...וכל עובד מעזי קרנא וגרמא וכל מאן דקיסא...

Yitzhaky points out that PsY is closely following a *baraita* of R. Ishmael that appears in B.Hullin 25b. This, taken with much of the other evidence that Yitzhaky adduces¹⁰⁴ showing that PsY often agrees with R. Ishmael, indicates that he may have had before him a now-lost collection of rulings attributed to him. It is also possible that the pragmatic exegetical principle, attributed to R. Ishmael, דברה תורה בלשון בני אדם - *the Torah speaks in human language*, was the most appropriate for a translator, although we also find PsY making use of the alternative view, attributed to R. Akiva¹⁰⁵, that every letter and word has an exegetical significance.

¹⁰⁴ See E. Yitzhaky, The Halacha in Targum Yerushalmi I, pp כא - כב and generally in the Introduction.

¹⁰⁵ There is a general consensus amongst scholars that "a clear demarcation between Akiva and Ishmael is not

Numbers 31,22-23:

But the gold and the silver, the brass, the iron, the tin and the lead. Everything which can come into fire you shall pass through fire and it shall be clean, but it shall be purified with the water of sprinkling, and everything which cannot come into fire you shall pass through water.

PsY (31,22): But *alone, without their rust...the tin and the lead vessels, not unfinished (גולמיה) vessels or flat (פשוטיה) vessels. Everything which can come into fire, cauldrons, pots, spits and grilles...*

ברם לחדהון בלא החדהון ית דהבא וית כספא וית נחשא וית פרזלא וית קסטירא וית
כרכימישא מניהון לא גולמיה ולא פשוטיה. כל מדעם דאורחיה למתעלא בגורא לביסיה
קדירתא שיפודיה ואסכלתא...

Sifrei Numbers 158 (p. 214): Everything which can come into fire you shall pass through fire: *For example cauldrons, knives, pots, spits and grills...*

The verse refers to materials that were susceptible to uncleanness and had to be purified. Sifrei Numbers 158 (p.214) also confirms that unfinished vessels are excluded in this verse from contracting impurity. M. Kelim (11,1) and Sifrei Zuta (31,22) includes flat vessels, i.e. those which are not receptacles, as contracting impurity. Sifrei is however silent on flat vessels, but lists knives, spits and grilles, which are of course not receptacles, as needing purification. PsY closely parallels Sifrei. Although he omits knives, he uses the Aramaic cognates for the other terms and lists them in the same order. Furthermore as Yitzhaky notes, in Numbers 19,16, PsY regards a sword as subject to impurity. Here he specifies spits and grilles swords as also being susceptible to impurity yet excludes flat vessels, a category into which these three all fall! We therefore have a contradiction in PsY.

It would seem that PsY is using Sifrei closely here, and agrees that certain flat vessels contract impurity. It would appear then that the reference to flat vessels in 31,22 cannot have any deliberate halachic force, and it may even have entered our verse in error.

Yitzhaky notes that Sifrei Zuta (31,22) is the only source that requires the rust to be removed before purifying the metal vessels. But as he also notes, R. Asher in his commentary on B. Pesahim 2,7 quotes this rule in the name of Sifrei. It is possible as Yitzhaky says that this was a

possible, as is the assumption of two contradictory schools at the time of Ishmael." H.L. Strack & G. Stemberger Introduction, p.271, see the sources quoted there.

different version of Sifrei now lost, which would strengthen the likelihood that PsY did not have Sifrei Zuta in front of him. Equally of course, R. Asher may have known Sifrei Zuta by the name Sifrei.

Deuteronomy 6,9:

And you shall write them upon the door posts of your house and on your gates.

PsY: *upon the door posts and you shall fix them on the third part against the lintel on the doorposts and on your gates, on the right side when you go in.*

ותכתובינן על מזוזין ותקבעינן בתולתה לקבל תקי על סיפי ביתך ובתרעד מימנא במעלך.

The position of the mezuzah in the top third of the door post is found in a baraita of unknown origin in B. Menahot 33a. It is unlikely that the Babylonian Talmud is PsY's source; he is more likely to have known the baraita in its original form.

PsY's addition *on the right side when you go in* parallels the anonymous opinion in Sifrei Deuteronomy 36 (p.67)

Deuteronomy 12,10:

And you shall cross the Jordan and dwell in the land which the Lord your God causes you to inherit, and he will give you rest from all your enemies round about and you shall dwell securely.

PsY: *...round about and you shall build the sanctuary and after that you shall dwell securely.*

...ויניח לכון מכל בעלי דבביכון מן חוור חוור ותבנן בית מוקדשא ומבחר כדן תיתבון לרחצן.

Sifrei Deuteronomy 67, p.132: *R. Yehuda said that Israel were commanded to carry out three injunctions when they entered the land- to appoint a king, to build a sanctuary and to cut off the seed of Amalek...* A similar comment is found in T.Sanhedrin 4,5 which does not refer to this verse. PsY only mentions one of the three commandments, perhaps because it fits with his emphasis on Temple matters¹⁰⁶. He is probably making use of Sifrei here since there is neither an exegetical reason that would have allowed him to derive this comment independently, nor does the context seem to require it.

¹⁰⁶ A. Shinan, Targum V' Aggada Bo, pp. 113.

Deuteronomy 13,6:

And that prophet, or that dreamer of dreams will be put to death- for he spoke perversion against the Lord your God who brought you out of the land of Egypt and who redeemed you from out of the house of bondage, to draw you aside from the way which the Lord your God commanded you to walk in- so that you shall remove the evil from your midst.

PsY: ...will be put to death *by the sword*..

...יתקטל בסייפא...

The halacha is quite clear that any unspecified death penalty in the Torah means death by strangulation. The sources¹⁰⁷ debate whether in this case strangulation or stoning is required but in no case is death by the sword mentioned. However in Y.Sanhedrin 7,1 Rabbi Shimeon argues that a false prophet should be put to death by the sword, which he holds is the most lenient of all death penalties. PsY agrees with R. Shimeon¹⁰⁸. However, this conflicts with the opinion cited in R. Shimeon's name in Sifrei Deuteronomy 86 (p. 151). It is not clear why PsY wishes to import this ruling here.

Deuteronomy 16,6:

But only to the place which the Lord your God shall choose to make His Name dwell there, shall you sacrifice the Paschal offering, in the evening; at sunset, the time that you came out of Egypt.

PsY: ...at sunset *you shall eat it until midnight*, the time that you came out of Egypt.

...וברמשא במיעלית שמושא תיכלוניה עד פלגות ליליא זמן שריות פורקבון ממזרים.

M. Zevachim 5,8 holds that the Paschal offering could only be eaten until midnight.

Deuteronomy 16,7: And you shall roast it and eat it in the place which the Lord your God shall choose and you shall turn in the morning and go to your tents.

PsY: ...you shall turn in the *morning after the festival* ...

¹⁰⁷ Sifrei Deuteronomy 86, (p.151) B. Sanhedrin 67a, 84a.

¹⁰⁸ R. Margoliot, Margoliot HaYam, (Jerusalem, 1971), p.111 argues that by following R. Shimeon's ruling he also has to follow his reasoning and prescribe decapitation for all unspecified death penalties, which he does not. Margoliot therefore proposes textual emendation. But Margoliot need not assume that PsY has to act as consistently as a halachist. We have shown that he functions as a translator and includes halachic and aggadic traditions according to criteria which are not always clear.

...ותתפני בצפרא מיפק הגא ...

PsY agrees with R. Shimeon in Midrash Tannaim (p.92) who indicates that **the morning** means the morning after the Pesach sacrifice.

Deuteronomy 16,14:

And you shall rejoice in your festival, you and your son and your daughter and your servant and your woman servant and the Levite and the sojourner and the orphan and the widow which are in your gates.

PsY: ...rejoice in *the joy of your festival in the water drawing and the musical performance.*

ותיחדון בהדות הניכון בשאובתא והלילא...

In this verse and in Deuteronomy 16,10 & 11, PsY prefaces **festival** with *the joy of*.

Midrash Tannaim also understands this verse to refer to the water drawing and music festivals. But whilst Midrash Tannaim connects these verses with the festival peace offering, this does not seem to be PsY's concern. It is more likely that he is stating the rituals that lead to rejoicing.

Deuteronomy 19,5:

And when he will come with his neighbour into the forest to hew wood, and his hand takes the axe to cut the wood, and the iron slips from the wood and finds his neighbour and he dies, he shall flee to one of these cities and live.

PsY: ...and the iron slips from the *handle*...

...וישמוט פרזלא מן קתא...

PsY stresses that the **wood** from which the iron axe-head slips is the wooden handle of the axe and not the wood that is being chopped. In so doing he uses the Aramaic cognate of the phrase used by Midrash Tannaim (נשמט הברזל מקתו) (p.113). However this phrase is identical with that used in M. Makkot 2,1. We have rarely encountered a significant use by PsY of cognates of a phrase exactly as found in the Mishnah, the only other one that we have noted is in respect of Leviticus 13,3-4 (above, page 51). We cannot determine whether PsY's source is Midrash Tannaim or Mishnah.

Deuteronomy 19,15:

One witness shall not arise against a man for any iniquity or any sin, of all the sins which he shall commit, according to two witnesses, or according to three witnesses a matter shall be established.

PsY: **One witness shall not arise against a man for any *capital* offence or for any *monetary* crime...**

לא יתקיים סהדו דחד בגבר לכל כרחן נפש ולכל חוב ממון...

Sifrei Deuteronomy 188 (p. 228): *I only have capital laws, monetary laws from where? We learn for any iniquity.*

Since **for any iniquity** is the first category of offence listed in the Hebrew verse, we might expect PsY to place **for any *monetary* crime** first, so as to attach his gloss to the noun that Sifrei Deuteronomy uses as the basis of its exegesis.

But Sifrei does not use a particular word in the verse to show that it refers to capital laws; it merely assumes that this is implicit in the verse. After showing that **for any iniquity** refers to monetary laws, Sifrei then derives that the verse applies to a number of other legal categories. PsY does not include these. PsY seems to have interpolated the opening part of Sifrei Deuteronomy - applying the verse first to capital crimes, then to monetary offences, following the order of Sifrei Deuteronomy. He then ignores the remainder of Sifrei Deuteronomy's exegesis. If PsY's audience is an educated one, as has been suggested¹⁰⁹, he might be reminding his audience of the entire exegesis in Sifrei Deuteronomy, by merely alluding to the opening words, but it is just as likely that it would have been too cumbersome to replicate the whole of Sifrei Deuteronomy's exegesis.

Sifrei Deuteronomy seems to be the sole Tannaitic source for this comment and PsY agrees with it.

Deuteronomy 19,21:

And your eye shall have no pity- a soul for a soul, an eye for an eye, a tooth for a tooth, a hand for a hand, a foot for a foot.

¹⁰⁹ cf the comments on pp. 10, 153, 152.

PsY: And your eye shall have no pity- a soul for a soul, *the value of an eye in exchange for an eye, the value of a tooth in exchange for a tooth, the value of a hand in exchange for a hand, the value of a foot in exchange for a foot.*

ולא תיחוס עיניכון נפשא הלופי נפשא דמי עינא חולף עינא דמי שינא חולף שינא דמי ידא חולף
ידא דמי ריגלא חולף ריגלא.

Sifrei Deuteronomy 190 (p. 231) rules that this verse refers to financial compensation, as does Mechilta Nezikin 8, (p.277). A virtually identical verse appears in Exodus 21,24, the principal difference being that whereas our verse has **an eye for an eye, a tooth for a tooth- שן בשן** etc., Exodus has **an eye in place of -תחת- an eye, a tooth in place of -תחת- a tooth** etc. PsY translates *in exchange for-* חולף in both verses. This is closer to the text of Exodus than of Deuteronomy, and indicates perhaps that PsY is simply copying his Exodus translation here. If this is the case then Mechilta is more likely to be the source than Sifrei Deuteronomy. Midrash Tannaim (p. 118) agrees that money is meant here but the text is far from that of Mechilta.

Deuteronomy 21,1:

If one be found slain in the land which the Lord your God gives you to possess it, fallen in the field, it is not known who smote him.

PsY: ...slain in the land *not covered with stones*, in the land which the Lord your God gives you to possess it, **fallen and not crucified on a tree in the field, and not floating on water...**

ארום ישתבח קטילא בארעא דלא טמע באונרא בארעא דה' אלקכון יהיב לכון למרתה רמי ולא
צלוב בקיסא בחקלא ולא סאיף על אנפי מיא...

These interpolations are drawn from M. Sotah.9,2. Sifrei Deuteronomy 205 (p.240) also contains these remarks but adds two further comments: **slain- not strangled** and **slain- not convulsing**.

Deuteronomy 21,3:

And it shall be that the city nearest to the slain, that the elders of that city shall take a calf of the cattle which has not been worked and which has not been drawn in the yoke.

PsY: And it shall be that the city nearest to the *suspected* slain that the elders¹¹⁰ of the great Bet Din shall depart and the sages of the elders of that city shall take a calf of the cattle...of a year old...

ויהי קרתא דקריבא לקטילא מתהשדא נסבי דינא רבא מפטרין ויסבון הכימי סבי קרתא ההיא
עגלת ברת תורין...ברת שתא...

PsY's language is similar to M. Sotah 9,5 which requires the elders of the Jerusalem Bet Din to inspect the corpse and then depart after which the elders of the city bring the calf. PsY's *great Bet Din* presumably refers to that of Jerusalem. A similar tradition is found in Sifrei Deuteronomy 206 (p.242). PsY uses virtually identical language to the Mishnah, particularly the verb פטר, to depart. PsY is likely to be using the Mishnah.

R. Eliezer in M. Parah 1,1, Sifrei Deuteronomy 206 (p.242) and Sifrei Numbers 123, (p.152) states that עגלה means one year old and פרה means two years old. This is against the opinion of the sages who say two and three years respectively. PsY agrees with R. Eliezer here and in respect of the red heifer in Numbers 19,2.

Deuteronomy 22,2:

And if your brother is not near to you, and you do not know him, then you shall gather it into your house and it shall be with you until your brother seeks it, and you shall return it to him.

PsY: ...then you shall gather it into your house and it shall be *provided for with you*...

...והבנשיניה לנו ביתך ויהי מתפרנים גבך...

M. Baba Metzia 2,7 rules that any lost animal which works and eats should work and eat with its finder until it is reclaimed, whereas an object that does not work yet eats should be sold. The principle is that the benefit gained from the animal makes up for the cost of feeding it. PsY is importing the ruling in the Mishnah within the context of the biblical text which refers to oxen and sheep. These are both animals which eat and work, hence they have to be provided for.

Deuteronomy 22,6:

If a bird's nest chances to be before you on the way, in any tree or on the ground, with chicks or eggs, and the mother is sitting on the chicks or on the eggs, you shall not take the mother upon the young.

¹¹⁰ Yitzhaky recommends amending the text from the meaningless וסבי לו וסבי - *and the elders of*.

PsY: If a *clean* bird's nest chance to be before you on the road... you shall not take the mother *from upon* the young.

ארום אין אודמן שרכפא דציפר דכי קנד באברטא... לא תכב אימא מעל בניה.

Midrash Tannaim (p.135) states that it must be a clean species of bird. So too do M. Hullin 12,2 and T.Hullin 10,10. Sifrei Deuteronomy 227 (p. 259) discusses whether the law covers an unclean bird sitting on the eggs of a clean species, or vice versa, and concludes that both must be of the same species. PsY does not follow this, which militates against PsY's use of Sifrei Deuteronomy in this case and supports his use of either Midrash Tannaim or M. Hullin.

Deuteronomy 22,10:

You shall not plough with an ox and ass together.

PsY: ...with an ox and ass *or with any creature, two species connected together.*

לא תהון רדיין בתורא ובהמרא ובכל ברייתא בתרין זינן קטירין כחדא.

Both Sifrei Deuteronomy 231 (p.264) and M. Kilaim 8,2 rule that this verse means that it is forbidden to mix any two species when ploughing. PsY's language gives us no clues as to which, if either of these sources he may be using.

Deuteronomy 22,11:

You shall not wear *sha'atnez*, wool and flax together.

PsY: You shall not wear *or get warm in garments that are carded, spun or twined of wool or flax mixed together.*

לא תהון לבושין ומשתחנן בכבו דשע ועזיל וניז עמר וכיתן מערבין כחדא.

In principle PsY agrees with Midrash Tannaim (p. 138), Sifrei Deuteronomy 232 (p. 265) and M. Kelaim 9,1- 8. Midrash Tannaim is the only source that specifically prohibits a garment for warmth, whilst Sifrei Deuteronomy and Mishnah extend the prohibition beyond just wearing.

Carded, spun or twined derive from the notaricon in M. Kelaim 9,8 which explains the construction of the word *שעטנז* - *שע*, *טנז*, *נז* but *שעטנז* has been replaced by the Aramaic *עזיל*.

Deuteronomy 23,1:

A man shall not take his father's wife and shall not uncover his father's skirt.

PsY: ...shall not take *the wife that his father violated or seduced and how much more his father's wife...*

לא יסב גבר ית אחתא דאנים או דשרניג אבוי וכל דכן אתת אבוי...

PsY agrees with Rabbi Yehuda in M. Yevamot 11,1 and Sifrei Deuteronomy 246. The text in Sifrei parallels M. Yevamot. Sefer haMa'asim¹¹¹ may imply that a woman seduced into marrying a man's son may refuse marriage¹¹². This Palestinian practice may have led to PsY to R. Yehuda's view, in both cases the woman's rights are protected.

Deuteronomy 23,2:

He that is crushed in the testicles (פצוע דכה) or cut in his private parts shall not come into the congregation of the Lord.

PsY: *He that is castrated or whose sinew is cut*

לא ידכי דמסרים ודפסיק גידא...

Sifrei Deuteronomy 247: What is פצוע דכה? *anyone whose testicles are crushed*. This derives from M. Yevamot 8,2 and does not help us determining if Sifrei Deuteronomy was PsY's source. It may just be an old interpretative tradition that preserves the common sense understanding of the verse.

Deuteronomy 23,4:

An Ammonite and a Moabite shall not come into the congregation of the Lord, even to the tenth generation none of theirs shall come into the congregation of the Lord.

PsY: *Males of the Ammonites and Moabites shall not be fit to take a wife from the congregation of the people of the Lord...*

לא ידכון דבורי עמונאי ומואבאי למיסב איתת מקהל עמא...

Restricting the application of this verse to males only is found both Sifrei Deuteronomy 248 (p.276) and M. Yevamot 8,3. Again we cannot say with any confidence which source PsY is using.

Deuteronomy 23,13:

And you shall have a place (יד) for yourselves outside the camp, and you shall go out to there.

¹¹¹ Z. M. Rabinowitz, (Sefer HaMa'asim L'Vnei Eretz Yisrael" Tarbiz, 41, (1972), p 292.

¹¹² *ibid.*, אדן שפיתה אשה להשיאה לבנו. This could of course simply mean *a man who enticed a woman into marrying his son.*

PsY: ...you shall *pass water* there.

...ותשד תמן מוי דרגלך.

The interpolation agrees with Midrash Tannaim (p.148) which derives that this verse relates to passing water. The interpretation is found also in Peshitt

Deuteronomy 23,16

You shall not deliver to his master the slave who has escaped from his master to you.

PsY: **You shall not deliver the stranger into the hands of the idol worshipper that he was saved from by you so as to come under the shade of My presence, for on account of this he fled from idolatry...**

לא תימסור נוכראה בידא פלחי טעוותי דאשתויב גביכון למהוי תהות טלל שכינת דממול
היכנא ערק מן פולחן טעויתה.

Midrash Tannaim (p. 149) concludes that this verse refers to one who escapes from idolatry rather than its literal meaning. Sifrei Deuteronomy 259 (282) also mentions this interpretation, but it occurs only in the Rome manuscript and in R. Hillel's commentary to Sifrei Deuteronomy. Finklestein considers that this was imported into Sifrei¹¹³. It is likely that Midrash Tannaim is PsY's source for this comment which departs significantly from the meaning of the verse.

It is possible that what motivates PsY here is the comment in Midrash Tannaim that it is not possible for a slave to escape from his master¹¹⁴. If so he considers the rabbinic exegesis to represent the intended meaning of the text. Other early biblical commentators occasionally exhibit the same tendency of presenting homiletic exposition as the intended meaning. Rashi provides a particularly good example of this¹¹⁵.

Alternatively PsY deliberately overrides the underlying meaning of the verse because he sees in this verse the opportunity to deride idolatry and to make a welcoming statement about the treatment of strangers, which may be of particular concern to him.

¹¹³ A.A (L) Finklestein, Sifrei to the Book of Deuteronomy (New York & Jerusalem, 1993) notes, p. 283.

¹¹⁴ See D. Hoffmann's note; Midrash Tannaim l'Sefer D'varim (Jerusalem, 1984) loc. cit- he cannot leave his master's service without a document of freedom.

¹¹⁵ See C. Pearl, Rashi (London, 1988), p.39.

Deuteronomy 23,24:

That which is gone out of your lips you shall keep, and perform; according to what you have vowed to the Lord your God, a freewill offering, which you have spoken with your mouth.

PsY: *The vow which is gone out of your lips you shall keep, the commandment which is proper to perform you shall perform, and which is not proper to perform you shall not perform, according to what you have vowed, you shall fulfil; sin offerings, trespass offering, burnt offerings, and peace offerings¹¹⁶ you shall offer to the Lord your God, and they shall be sacrifices and presents of the sanctuary; that which you have said you shall give and charity to the poor, which you have spoken with your mouth.*

מומתא דתפוק מן שפוותבון תקימון מצוותא דכשרין לאתעובדא תעבדון וכלא כשרין לאתעובדא
לא תעבדון והיכמא דנדרתון תשלמון הטאתא ואשמא עלון ונכסתא קדשין תקרבון קדם ה'
אלקכון וניכסתא תיהון ונבזביית בית מוקדשא דמלילתון תתנון ולעניי צדקתא מה דאמרתון
בפומכון.

Midrash Tannaim (p. 152): *you shall keep- this means positive commandments. and perform- this means negative commandments, according to what you have vowed- these are sin offerings, trespass offering, burnt offerings and peace offerings which you have spoken these are offerings for the Temple repair, with your mouth this is charity.*

Virtually the whole of PsY's exegesis is identical with Midrash Tannaim. Sifrei Deuteronomy (p. 286) contains the same interpretations concerning positive and negative commandments, offerings for Temple repair and giving charity, but omits the list of sacrifices. It is more probable that the tradition in Midrash Tannaim is PsY's source.

Deuteronomy 24,1:

When a man takes a wife and marries her, then it shall be if she does not find favour in his eyes, because he found some unseemly thing in her, that he shall write for her a bill of divorce and he shall put it in her hand and send her from his house.

PsY: ...he shall ...give it into her *domain* and send her...

...ויתן ברשותא ויטייל יתה מביתיה.

¹¹⁶ Lit: *holy sacrifices* which is the targumic phrase always used to translates שלמים, peace offerings.

Sifrei Deuteronomy 269 (p.290): **...in her hand...: *I only have in her hand, from where do we learn that this includes her garden, her courtyard and her building? We learn from and he shall put- whatever place. If so why do we say in her hand? Just as her hand is uniquely her domain, so it applies to any thing which is her domain.***

PsY appears to be consistent with Sifrei Deuteronomy. However Mechilta Nezikin 5 (p. 267) commenting on Exodus 21,16 **and he that steals a person and sells him, or if he is found in his hand...states that in his hand *always means in his domain.*** A similar comment is found in Sifrei Numbers 157 (p.210). PsY may therefore be following one of these sources. It is most likely that he would find a text which dealt with Deuteronomy in sequential order more convenient as a reference work, but he may well be aware of all three sources and not consciously selecting any one of them. The same of course applies whenever a single comment in PsY can be traced to more than one source.

Deuteronomy 25,5:

If brothers live together, and one of them dies, and has no child, the wife of the dead shall not marry outside to a stranger; her husband's brother shall go in to her, and take her to him for a wife, and perform the duty of a husband's brother to her.

PsY: *If brothers from the father, that are united in their inheritance live together in this world for one hour...*

כד דיירן בעלמא הדין שעה חדא אהין מן אבא דמחדין באהכנתא...

M. Yevamot 1,1 specifies that the wife from a maternal brother is not included in this law, and that the two brothers must have lived at the same time. Both Midrash Tannaim (p. 164) and Sifrei Deuteronomy 288 (p 306) contain these rulings. Whereas Mishnah and Sifrei Deuteronomy expresses negatively *excluding brothers from the mother*, Midrash Tannaim states the rule in a positive manner *the bible talks of brothers from the father*. Midrash Tannaim states that the two brothers *have a dwelling in the world as one*, whilst Sifrei Deuteronomy cites the more expansive formula found in M. Yevamot 2,1.

However Midrash Tannaim is the only one of these three sources to derive *united in their inheritance* from the biblical use of **together**. This together with the similarity to Midrash Tannaim's *brothers from the father* indicates that this is probably the tradition that PsY used.

Deuteronomy 25,7:

And if the man does not like to take his brother's wife, then his brother's wife shall go up to the gate, to the elders and she shall say "My husband's brother refuses to establish a name for his brother in Israel, he has not consented to marry me as a husband's brother".

PsY: ...then his brother's wife shall go up to the gate ... *before five sages- and three shall be as judges and two as witnesses - and she shall say in the language of the sanctuary before them "My husband's brother refuses...*

...ותיסק יבימתיה לתרע ... קדם המשא חכימין ויהון תלתא לדיינין ותרין לסהדין ותימר בלישן בית קודשא קדמיהון מסרב יבמי למקמא לאהוי שמא בישראל לא צבי ליבמותי.

M.Yevamot 12,1 calls for three judges, but this does not become the eventual halacha. The number five agrees with Rabbi Yehuda in Tosefta Yevamot 12,7. Rabbi Yehuda reversed his opinion (B. Yevamot 101b), nevertheless we find R. Pappa and R. Huna acting in accordance with his custom. That the five have to be sages is deduced from T. Yevamot 12,7- "who know how to read."

The eventual codification of the law ¹¹⁷ is that the ceremony takes place before three sages who can read together with two witnesses, who may be laymen. This agrees with B.Yevamot 101b and is in accordance with PsY and R. Yehuda. Even so, Sefer haMa'asim¹¹⁸ requires just three judges.

Deuteronomy 25,8:

And the elders of his city will call to him and speak to him. And he will stand and say "I do not wish to take her."

PsY: ...will call to him and speak *truthful counsel* to him.

ויקרון ליה חכימי קרתיה וימללון עמיה מילכא קשיטא...

This follows Midrash Tannaim p. 166 and Sifrei Deuteronomy 290 (p.309) which state that the elders of the city should counsel the man about to enter levirate marriage, so that if for example he were young and she old, or vice versa, the marriage should not proceed.

¹¹⁷ Maimonides- Mishneh Torah Hilchot Yabom v'Halitza 4,5

¹¹⁸ Z. M. Rabinowitz, "Sefer HaMa'asim", p 297.

Deuteronomy 25.9:

And his sister in law shall draw near to him, in the sight of the elders, and draw his sandal off from his foot and spit before him and answer and say, 'thus shall be done to the man who will not build his brother's house.'

PsY: ...the elders and there shall be tied on the foot of the brother in law a sandal which has a heel, fastened with laces and the around mouth of the sandal are tied laces and his foot set on the ground and the woman will stand and loosen the laces and draw his sandal off his foot and then she shall spit before him spittle sufficient that it will be seen by the elders.

ותתקרב יבימתיה לוֹתִיה לִקְדָם הַכִּימִיָּא וְהִי נָעִיל בְּרִיגְלָהּ דִּיבִימָה כְּנִדְלָא דְלִיה עֲקִיבָא דְהִיּוּט
בְּשִׁנְצִי וּבְפִיּוּם כְּנִדְלָא שְׁנָצִי קְטוּרִין וְהִבֵּם רִיגְלִיה בְּאַרְעָא וְתִקִּים אִינְתַתָּא וְתִשְׂרִי עֲנָצִי וְתִשְׁלֹף
כְּנִדְלִיה מִעֲלִוִּיה רִיגְלִיה וּמִן בְּתֵר כְּדִין תִּירוּק קְדָמוּי רֹקָא נְפִישָׁא דְמִתְהַמֵּי לְהַכִּימִיָּא...

The description of the sandal is similar to, but not identical with M. Yevamot 12,1. PsY does conform to Sifrei Deuteronomy 291 (p.310) and Midrash Tannaim 25,9 in that the spittle must be seen by the elders but, since, this is also found in M. Yevamot 12,6, there is no evidence that he is using Sifrei Deuteronomy in this verse. It is interesting to note that whilst PsY uses the later word סנדל (sandal), he is nevertheless is able to retain the original Hebrew נעל, by turning it from a noun to a verb. As with his comments on Exodus 16,5 regarding the Eruv, and with his comments on Succah and Tefillin, we see a much more expansive interpolation than is usual.

Deuteronomy 26.2:

And you shall take from the first of all the fruit of the ground, which you shall bring from your land which the Lord your God gives you, and you shall put it in the basket and you shall go to the place which the Lord your God will choose to cause His Name to dwell there.

PsY: And you shall take from the beginning of the first fruits that become ripe, from the first of all the fruit of the land...

וְתִכְבֹּן מִן שִׁירֵי בְכוּרִיא דְּמִתְבְּשְׁלִין מִן שִׁירֵיָּא בְּכַל אַבָּא דְּאַרְעָא דְּתַעִיל כְּאַרְעָא...

PsY imports the ruling from M. Bikkurim 3,1 that the very first of the early ripe fruits are set aside as first fruits, In doing so he clarifies the ritual. Unlike his commentary on Numbers 18,13 (above, page 53), he does not restrict the first fruits to fruits of the trees.

Deuteronomy 26,4:

And the priest shall take the basket from your hand and place it before the altar of the Lord your God.

PsY: ...from your hand *and shall carry, and bring and lift up and put down and after that shall place it...*

ויסב כהנא ית סלא דבכוריא מן ידך ויזבל וייתי וירים ויהית ומבחר כדין יחתוניה קדם מדבהא...

PsY agrees with M. Menahot 5,6 in describing the procedure of waving, although he does so in the context of the Pentecostal first fruit offerings. The Mishnah however also states that the priest places his hand under that of the owner of the fruit, PsY does not mention this. Sifrei Deuteronomy 300 (p. 318) and Y. Bikkurim 2,3 (65a) also require that the basket be waved, but do not describe how this is carried out.

The fact that PsY omits a detail of the process is of little consequence. He is after all providing a translation not a halachic manual. He has interpolated into the text in order to explain the mechanism of the process, since the process of waving is wholly absent from the biblical text. He is not obliged to deviate further by stating that the waving process is carried out both by the priest and the owner.

PsY seems closer to the language of the Mishnah than to Sifrei Deuteronomy.

b) Material that bears some resemblance to known rabbinic traditions, but which differs to some degree.

Many remarks in PsY bear very close resemblance to known rabbinic traditions, but differ to a degree such that it is not possible to state that he is copying from any known sources. It is possible that he derived these comments independently but that his view was influenced by tradition. It is equally possible that he is synthesising statements drawn from one or more sources. At times we will see his independent reasoning clearly gaining the upper hand, at other times a desire to remain within tradition appears to be paramount. On occasion he seems to set out opinions that the sources which we know seem to be arguing against, which indicates that the rejected opinion may have been cited in sources or verbal traditions that are no longer extant.

Numbers 9,10:

The first example that we will look at in this category is of PsY synthesising material from two or more sources:

Speak to the children of Israel- A man, any man who is unclean because of a corpse or is far off on the way, of you or your generations, he shall keep the Passover to the Lord.

PsY:who is unclean through the defilement of a person who has died, *or has an emission or is leprous*, is far off on the way of the world through nocturnal pollution, and he is outside the threshold of the Tabernacle of you yourselves or your generations, and he is *debarred* from keeping the Passover to the Lord.

... ארום יהי מסאב לטמי בר נש דמית אז דיב אז סגיר דמרחק באזרח עלמא בקריות ליליא וזהו
בר מן סקוף משכנא לכון גרמיכון אז לדריכון וידחי למעבד פסחא...

Sifrei Numbers (69 p. 64): *The letter "Hé" is pointed to show that even if he is nearby but is unclean, he shall not partake in the Paschal sacrifice with them.*

נקד על הה"א שאפילו בדרך קרובה והוא טמא לא היה עושה עמהם את הפסח.

PsY lists a number of categories of defilement which exclude the sufferer from taking part in the Paschal sacrifice. Whilst he is agreement with the general principle set out in Sifrei Numbers, he is far more specific in listing those who are debarred. Other sources (M. Pesahim 9,1; Y. Pesahim 9,1; Sifrei Zuta 9,10; T. Pesahim 8,1) also specify those who are debarred but none correspond in any significant degree to PsY. Sifrei Zuta (9,10) comes the closest, because the list there is much more expansive. PsY's interpolations are fully within the rabbinic perspective, but it is possible that he synthesised the list from more than one source or tradition known to him.

Deuteronomy 24,5:

We sometimes see PsY advancing an opinion that the rabbinic sources seem to argue against:

When a man marries a new wife, he shall not go out in the army, nor shall he be charged with any business; he shall be free for his house for one year and he shall make the wife whom he has married happy.

PsY: **When a man marries a new wife, a virgin, he shall not go out in the army...**

ארום יסב גבר איתא חדתא בתולתא לא יפוק בחילא...

Sifrei Deuteronomy 271, (p.291) proves that the verse refers not just to a virgin but to any woman. As Yitzhaky notes, Sifrei's concern to widen the application indicates that it may be aware of an opinion which restricts the verse to a virgin. If so, PsY agrees with a once-known

tradition, albeit one that is no longer extant¹¹⁹. PsY seems to be more austere than the conventional rabbinic tradition.

Leviticus 16.27:

At times PsY remains close to rabbinic tradition, but includes a detail which may make sound practical sense, even though it is not to be found in any rabbinic source:

And the bullock of the sin offering and the goat of the sin offering, whose blood was brought in to make atonement in the holy place, shall be carried forth without the camp, and they shall burn in the fire their skins, and their flesh and their dung.

PsY: ...whose blood was brought in to make atonement in the holy place shall be carried forth *on poles by the hands of the young men of the priests and they shall be carried forth without the camp..*

....דאיתעל מן אדמיהון לכפרא בקדשא יתפקון באמלון על ידיהון דכהניא ויסוברונן למברא
למשריתא...

Carrying these Yoma Kippur offerings on poles is attested in Sifra (Aharei Parasha 5,6) and M. Yoma 6,7 as well as in the more general statement in M. Zevahim 12,6 whereby all wholly burnt offerings are carried on poles.

That this was a duty of the young- or indeed any- priests does not occur specifically in the sources. Yitzhaky¹²⁰ sees this as fitting into Geiger's general view that the ancient halacha, prior to the struggle between the Pharisees and Sadducees, was that all temple rituals were to be performed by the priests. Following this struggle, in order to weaken the grip of the Sadducees, some rituals were permitted to the laity. Whether or not Geiger's analysis is correct, at all events we do not have evidence of PsY's sources.

However M. Yoma 6,7 could be understood to mean that the High Priest himself brings the corpses outside. Common sense indicates that it would be young, fit men who actually carried the animals' corpses, rather than the High Priest who was in any event preoccupied with the ritual of the day. PsY may therefore be doing nothing more than clarifying what he understood to be the most natural procedure which fits both the text and the known practice of carrying

¹¹⁹ Of course there are many occasions when the rabbis polemicise against heretical views, and, although we have not seen any evidence of heretical traditions in PsY, we should still not automatically assume that that PsY reflects a now lost *rabbinic* tradition. But the interpolation in this verse does not seem sufficiently important to be heretical!

sacrifices on poles. In other words PsY exhibits a tendency to “speak of the most natural case”¹²¹ (דבר הכתוב בהווה).

Numbers 29.31:

PsY’s basic function as Targumist requires him to make fairly concise interpolations. We sometimes suspect that he is making use of a rabbinic source, but his expansion is so abridged that we cannot be certain:

And one goat for a sin offering, apart from the perpetual burnt offering, its meal offering and its libations.

PsY: ...**and its libations, and the jar of water they poured out on the day of the festival of Succot as a good omen for the rainfall.**

...והזכר ניסוכה וצלוהיתא דמא הוון מנכבין ביומא דחגא דמטליא דוכרן טב לרביעא דמטרא.

This verse is part of the list of sacrifices brought on the sixth day of the festival of Succot. It is identical to the corresponding verse for each other day, except that where they read **its libation**, or in the case of the second day, **their libations**, this verse reads **its libations**. PsY uses the different phrasing in this verse to make the exegetical point that the ceremony of water drawing was held on Succot (it is mentioned in Mishnah Succah 4,1 but not in the bible). Hence the plural form of libation refers both to the water offering as well as the regular wine offering brought each day. Sifrei Numbers 150 (p.196) brings a series of explanations as to why the water libation was brought on Succot. None correspond precisely to PsY’s exegesis but Sifrei Numbers uses our verse in a different exegesis along with 31,19 and 31,33 to prove that the Pentateuch did allude to the water drawing ceremony¹²². PsY may have taken note of this

¹²⁰ E. Yitzhaky, The Halacha in Targum Yerushalmi I, p. 236

¹²¹ The locus classicus for the exegetical device דבר הכתוב בהווה is Mechilta Caspa 20 (p. 321): ...**and torn flesh in the field** (Exodus 22,30). *Not only in the field. From where do we learn in the house? We learn it from that which dies of itself or is torn* (Leviticus 17,15)... *Then what do we learn from and torn flesh in the field?* דבר הכתוב בהווה - *the Bible speaks in the normal way* (lit: in the present; i.e. torn flesh is usually found in the field, but even if its found elsewhere it is still unfit for consumption). *Similarly If he found her in the field. Not only in the field. From where do we learn in the house? The Bible speaks in the normal way...*

¹²² R. Yehuda b. Batyra said “we say on the second day **and their libations**, (31,19) on the sixth day **and its libations** and on the seventh day **according to their regulations** (31,33). We have מ, י and מ, making water (מים), hence we learn about the water libation in the Torah. (Each of these words differs by one letter from the corresponding word used in each of the other days. Combining these extra letters gives the word for water, hence the allusion.)

exegesis in Sifrei Numbers but preferred to construct his own, less complex version both for clarity and in order to insert it into the text.

Leviticus 19,10:

Sometimes it looks as if PsY is importing traditions that he may have known from an oral source, and that his memory of that tradition may not have been wholly accurate:

And you shall not glean your vineyard, and you shall not gather the fallen fruit of your vineyard, you shall leave them for the poor and the stranger, I am the Lord your God.

PsY: ...you shall leave them for the poor and the stranger, *attached*...

...לעני ולגירי תשובק יתחון בחבוריהון...

This is a strange remark, which contradicts the first part of the verse, that specifically speaks of **the fallen fruit**. It also contradicts M. Peah 7,3 which requires grape-gleanings to be gathered from those fallen to the ground.

Maori¹²³ notes that Sifra Kedoshim 3,7 applies the verb **you shall leave them** (תעזוב) in this verse to the subject matter (Peah) of the previous verse. The verb is then used to prove that the Peah (crops left in the corners of the field) are to remain attached to the ground. The verb is thus applied out of its original context in verse 10, into verse 9. We find the same exegesis in Y. Peah 4,1 (18a).

PsY is clearly aware of Sifra's application of **you shall leave them**. He is limited by the need to provide a running commentary and cannot relocate the verb into the previous verse. He therefore includes the interpretation of the verb in the verse where it occurs, which, whilst providing powerful evidence for PsY's use of Sifra, makes it appear that he is ruling that the harvest of the vineyard is also to remain attached.

Of course PsY contradicts himself as a result of this. It is possible that since the earlier part of this verse clearly refers to fallen fruit, he is hoping that his audience will not be confused by his apparent contradiction. It is also possible that originally PsY put the word *attached* into verse 9, which is where it ought to be, but that a later copyist moved it alongside the verb **you shall leave them**. PsY does contradict the Mishnah but we can see that this is based partly on sources and on the limitations of the text.

¹²³ Y. Maori "Al Y'haso shel Targum HaTorah", p.238

It is also possible that PsY had a faulty memory of the exegesis in Sifra. We need to be mindful of the fact that memory was used far more widely in an age when books were scarce. The Mishnah was taught in the rabbinic academies by a Tanna, who recited it from memory, and of course the Targumist in the synagogue also performed his craft from memory. There must be a possibility that whenever memory alone is relied upon, a tradition may be incorrectly repeated.

Finally, this may be a learned allusion, PsY may have been reminding an educated readership of an exegesis that was familiar to them.

Leviticus 11.1:

The following example shows PsY conforming to local custom:

And the Lord spoke to Moses and to Aaron, to say to them.

PsY: *...to say to them, to the sons of Aaron that they should warn the children of Israel that they should taste their food in purity and that they should separate from the uncleanness of the eighteen signs of terefah.*

למימר להון לבני אהרן דיזהרון ית בני ישראל די טעמין בדכותא מיכלהון ויתפרשון מסואבות
תמני סירי טריפן.

The *eighteen signs of terefah* are itemised in M.Hullin 3,1. As Yitzhaky notes it was a Palestinian law to inspect an animal for the eighteen signs of *terefah*¹²⁴. PsY is doing no more than recording the practices of his community, possibly even unaware that Babylonian Jewry did not follow this ruling.

Deuteronomy 22,5:

When we discussed Leviticus 23,42 (page 40) we saw that PsY used specific sources to provide expansive detail of a ritual. Here he also provides expansive detail, but, although his expansions fall within the rabbinic framework, we cannot identify which, if any, source he may have relied upon:

A man's clothing shall not be on a woman and a man shall not wear the garment of a woman, for it is an abomination to the Lord your God, all who do this.

¹²⁴ M. Margoliot, Sefer haHilukim ben Anshei HaMizrach V'Eretz Yisrael, (Jerusalem, 1938), p 80-83: "The men of the east only inspect visually, whereas the men of Israel inspect the eighteen *terefot*". Maimonides, Yad, Hilhot Shechitta 11,3- "all cattle, beasts and birds are presumed healthy and we do not suspect that there may be *terefah* in them. They are presumed to be permitted unless something doubtful occurs, and then we inspect that matter alone" Maimonides is clearly following the Babylonian ruling, he then goes on to discuss regional variations and customs.

PsY: Cloaks of Tzitzit and tefillin, which are the adornment of men shall not be upon a woman, and a man shall not shave his armpit, and nakedness and his face to appear as a woman...

לא יהיה גוללין דציצית ותפילין דהינן תקוני גבר על איתא ולא יכפר גבר בי שיחיא
וערייתיה ובי אנפוי לאיתחמאה הק נשא...

Ancient rabbinic literature does not link this verse with the ruling that women are not obliged to wear tzitzit and tefillin. It is well attested that women are not obligated in this matter, but PsY goes further and forbids women to wear them.

It is perhaps odd that PsY chooses to make such specific statements in connection with what should be a very straightforward biblical verse. In Exodus 13, 9-10 in which the biblical commandment to wear phylacteries occurs, PsY places emphasis on the wearing of tefillin, stating precisely how and when they are to be worn: "*You shall have this miracle clearly inscribed on the phylactery of the hand at the upper part of the left arm and as a memorial clearly inscribed on the phylactery of the head, fixed before your eye, at the upper part of the head... You shall observe this statute of the phylacteries at the appropriate time, on workdays but not on Sabbaths and festivals, by day but not by night.*". It may be that he wishes to lay a special stress upon this ritual, which might explain his prohibition against women wearing them, he may wish to underline their significance for men.

It is also possible that PsY is preaching against social practices of his time and that just as women do not wear tefillin or tzitzit so too men should not try to *appear as a woman*. This phrase, which is not in the biblical text, may be the key to understanding PsY's concerns. His expansion of the biblical text is not always wholly dispassionate.

The prohibition against shaving one's armpits and bodily hair is confirmed in the name of Rabbi Yohanan in connection with this verse (B.Nazir 59a). There is no mention there of not shaving one's face, but we must bear in mind that PsY only prohibits this in order *to appear as a woman*. In any case, shaving with a razor contravenes a well established halachic principle which PsY endorses in Leviticus 19,27.

The remaining verses in this section, which are set out in biblical order, are:

Exodus 12,9:

Do not eat from it raw, or boiled at all in water, but roasted by fire, its head upon its knees upon its innards.

PsY: *or boiled in wine or oil or liquids or boiled in water...*

...ולא כד בשלח בהמרה ומשהא ושקייני ולא מבשל במי'...

PsY makes use of the double Hebrew verb בשל מבשל to prohibit two separate categories of liquids. This corresponds to R. Akiva's view in Mechilta Pischa 6 (p.21) that the doubling of the verb serves to apply it to liquids other than water. Unlike PsY, Mechilta does not specify what the liquids are to be, but of course the choices are limited. PsY wants to provide more detail than may strictly be necessary; he could have simply stated **boiled in any liquid or water**. This indicates that detail is important to him.

Exodus 22,30:

And you shall be holy people to me, you shall not eat any flesh torn of beasts in the field, you shall cast it to the dogs.

PsY: **And you shall be holy people to me-** *eating unconsecrated food in purity...*

ואנשין קדישין טעמין חולין בדכותא תהון קדמי...

Eating unconsecrated food in a state of purity is not an halachic requirement. However, TdBE 15 cites Rabban Gamliel as eating unconsecrated food in a state of purity. The context is a discussion of acts of great piety which Israelites took upon themselves even though they were not specified in the bible. Some of these entered the halachic corpus but even if they were not prescribed in rabbinic law, nevertheless people may take upon themselves. cf. M. Haggigah 2,7; B. Sotah 30a; Yalkut Shimoni 386; Maimonides Yad, Hilchot Tumat Ochlin 16,14; Tosefot to Hullin 2b s.v. Tamei b'Hullin.

PsY's remark is a reflection of the diversity in rabbinic Judaism, the tradition to which he alludes here could go back to the customs of the early Hasidim which survived in certain rabbinic circles. PsY may have been minded to introduce this comment because of the phrase אנשי קדש - literally **people of (the) Holy**.

Leviticus 2,12:

You may offer them as an offering of first fruits to the Lord, and they shall not be offered on the altar as a sweet fragrance.

PsY: You may offer them as an offering of first fruits to the Lord *for the bread of the first fruits shall be offered leavened and the dates shall be offered with their honey at the time of the first fruits and the priests shall eat them...*

קרבן שירוייא תקרבון יתהון קדם ה' דלחים ביכוריא המיר מתקריב ותמרי בזמן בכורי
אבא עם דובשיה מתקריב וייכלון יתהון כהניא...

The verse refers to the honey and leaven mentioned in the previous verse, which are not to be offered upon the altar. PsY appears to be drawing upon a number of sources. M. Menahot 5,1 notes that the Two Loaves (offered at the time of the first fruits) were leavened. This regulation, together with the statement that first fruits are to be offered at the time that they exude honey, is again found in B. Menahot 58a, where Rashi and R. Bezalel Ashkenazi note that it is not found in Sifra. There is virtually no evidence that PsY made use of, or even knew, the Babylonian Talmud and we can only surmise that the discussion in Menahot came from a variant of Sifra, or another Tannaitic tradition. The rule that the priests are to eat the first fruits comes from M. Bikkurim 5,1.

PsY clearly wishes to provide greater detail about the honey and leaven mentioned in the previous verse. None of his interpolations are particularly remarkable and although we have identified a number of sources that he could be drawing upon, there is also no reason why he could not have inserted them from his own knowledge, without reference to any source.

Leviticus 11.29-31:

And these are they which are unclean to you among the swarming things that swarm on the earth...these are they that are unclean to you amongst all that swarm, all who touch them when they are dead will be unclean until evening.

PsY: **And these are they which are unclean *their blood, and their skin and their flesh* among the swarming things...these *eight species* are they that are unclean to you amongst all that swarm, all who touch them *and their skin and their blood* will be unclean until evening.**

ודין לכון דמסאב דמיה ומשכיה ובישריה בריחשא... אלן תמניא מינייא דמסאבין לכון בכל
ריחשא כל דיקרב בהון ובמושכיהון ובאדמיהון יהי מסאב עד רמשא

PsY includes not only the flesh but also the blood and skin of the eight reptiles specified in these verses. This is probably a result of the complex halachic debate in various sources.¹²⁵ It would appear that PsY simplifies the debate in his interpretation of this verse, which suggests that his concern to explain the text in an uncomplicated manner is a higher priority for him than presentation of all the nuances of a legal debate. It also of course suits his genre far better.

PsY also omits the reference to touching them **when they are dead**. It is unlikely that PsY regards the verse as imputing uncleanness to living reptiles since the bible is specifically talking of dead ones. Since the missing phrase is only one word in the Aramaic this could simply be a scribal error.

Leviticus 11.32:

And anything upon which any of them, when dead, shall fall will be unclean, whether it be any vessel of wood or a garment or skin or sack, whatever vessel it is, with which any work is done, shall be brought into water and be unclean until evening, and it shall be clean.

PsY: ...and be unclean *for any purpose* until evening...

...ויהי מכאן לכל צורך עד רמשה וידכי.

Sifra Shemini 8,9 asks whether the uncleanness is for any matter. It concludes that the use of **unclean until evening and it shall be clean** means that non-consecrated food (possibly a scribal error for tithes, see Yevamot 75a) can be declared clean whilst still day whereas Terumah is only deemed clean after nightfall.

Yitzhaky¹²⁶ notes that Sifra's question appears to be directed against the opinion expressed in PsY. As in Deuteronomy 24,5 (page 80), it is possible that each of the two works are participating in the same debate and that PsY may preserve a tradition of which Sifra was

¹²⁵ Sifra Shemini Parasha 8,2; M. Makshirin 6,5 prohibit the blood of these reptiles. Sifra Shemini 7,1 prohibits only the skin of 4 of the eight species whose skin is thinner and less differentiated from their flesh. R. Yohanan b. Nuri however in M. Hullin 9,2 and Sifra loc. cit. holds that "all 8 species have a skin". This is understood to mean that the skin of all eight species is differentiated and therefore not unclean. M. Shabbat 14,1 as amplified in B. Shabbat 107a and Y. Shabbat 14,1 (14b) regards all eight species as having a skin, but only for the purpose of prohibiting wounding them on Shabbat, not necessarily for uncleanness.

PsY is using the word skin in its widest sense. He is not engaging in the intricate arguments over whether or not the skin can be differentiated from the body, he simply warns his congregation against contact with any part of any of the eight species. He may be doing what is common in our time- since the halachic argument over what does and does not constitute skin is so complex, the authorities of his period may simply have prohibited all skin in order to avoid error.

¹²⁶ E. Yitzhaky, The Halacha in Targum Yerushalmi 1, p. 188.

aware. Equally, *for any purpose* is may simply be a way of explaining the practical consequence of uncleanness in a vessel.

Leviticus 14,15:

And the priest shall take of the log of oil and pour it into the palm of the left hand of the priest.

PsY: **And the priest shall take *in his right hand* of the log of oil...**

ויסב כהנא בידיה ימינא מלוגא דמשחא...

Sifra (Metzora 3,7): **pour it into the palm of the left hand of the priest- *the injunction is to pour it into his companion's hand, but if he pours it into his own hand this is acceptable.***

PsY seems to instruct the priest to pour from his own right hand into his left hand which would be Sifra's less preferred option. However, PsY could mean that he pours it from his right hand into his neighbour's left hand, which would conform to the biblical text and follow Sifra more closely. PsY is probably giving the normal case. The recipient stretches out his left hand as instructed by the biblical text, the pourer opposite him uses his right hand (which in any case would for most people be the natural choice).

PsY may have considered that the verse referred to only one priest pouring into his own hand. Since the verse repeats the words **the priest** this might indicate that the same person is meant. Ibn Ezra regards this verse as dealing with only one priest, stating that the following verse (14,16) clarifies this: **and the priest shall dip his right finger into the oil that is in his left hand**. Possibly PsY reasons in the same way as Ibn Ezra.

Leviticus 16,22:

And the goat shall bear upon him all their iniquities unto a land which is cut off and he shall let the goat go in the wilderness.

PsY: **...he shall let the goat go in the wilderness of Tzok and the goat shall ascend the mountains of Bet Hadurae and a blast of wind from The Lord shall push it off and it will die.**

...ויפמור גכרא ית צפירא למדברא דצוק וימוק צפירא על טוריא דבית הרורי וידחיניה רוח זיקא

מן קדם ה' וימות...

Yitzhaky quotes Geiger¹²⁷ who sees in this a remnant of an ancient halacha, since the halacha as expressed in M. Yoma 6,6 is for the person who leads the goat into the wilderness to push it off the precipice. But Geiger's view although persuasive is untenable- this cannot be a halachic statement, the wind is not subservient to the law! We see here an aggadic remark albeit one which blurs the margins of halacha. Much has been noted about PsY's preoccupation with miracles and wonders¹²⁸, we must assume that this verse is one such case. It is not an halachic assault on the Mishnah.

Leviticus 19,24:

And in the fourth year all its fruit shall be holy for praise to The Lord.

PsY: ...holy for praise to The Lord- *redeemed from the priest.*

...קדשא תשובחן קדם ה' מתפרק מן כהנא...

M. Maaser Sheni 5,2 states that the fruit of a tree in its fourth year is eaten by its owners in Jerusalem like the second tithe, or else redeemed for money. Other sources are unclear in their interpretation of this verse. Y. Sotah 8,5 says that if the fourth year fruits are to be made sacred then the money is bound "to him." Geiger¹²⁹ holds that this means the money is bound to the priest. Therefore according to Geiger, PsY agrees with Yerushalmi.

Maori¹³⁰ views this halacha as the product of PsY's independent reasoning.

But, as Yitzhaky notes¹³¹, there is clear evidence that in Tannaitic times there was a discussion as to whom the fourth year fruits belong. The closest source that we have for this statement is a lengthy discussion in Sifrei Numbers 5: *Holy for the owners or holy for the priests?* The discussion concludes that the ruling is that the fruit of the fourth year belongs to the owner of the orchard, but parallels are brought from the heave offering to argue the case for it belonging to the priest. PsY's opinion contradicts both M. Maaser Sheni (5,2) and the conclusion in Sifrei Numbers. There is no relevant text in Sifra. PsY seems to be drawing on a tradition which Sifrei Numbers may be arguing against.

¹²⁷ A. Geiger, HaMikra, p. 347.

¹²⁸ e.g. M. Maher, Aramaic Bible vol. 1B p 6; A. Shinan, (Targum V'Aggada Bo) pp 138-145 and particularly pp 141-142 on this verse.

¹²⁹ A. Geiger- HaMikra, pl 16.

¹³⁰ Maori, "Al Y'haso shel Targum HaTorah", p.250.

¹³¹ E. Yitzhaky, The Halacha in Targum Yerushalmi 1, p. 251

Ibn Ezra in his commentary on this verse holds that they belong to the priest. Ibn Ezra of course is most likely to look for what he feels the actual meaning the biblical text to be, irrespective of later rabbinic interpretation.

Leviticus 20,7:

And you shall sanctify yourselves, and you shall be holy for I am the Lord your God.

PsY: ...and you shall be holy *in your bodies, in order that I will accept your prayers in favour.*

ותתקדשון ותהון קדישין בגופיכון מטול דאקבל ברעוא צלותכון...

Sifra Kedoshim 10,2 understands this verse in the context of refraining from idolatry. An early¹³² Babylonian tradition associates this verse with washing one's hands before and after meals (B. Berachot 53b). It is possible that PsY's tradition, which appears nowhere else, is connected with this. Shinan notes that PsY pays special attention to prayer in his aggadic material¹³³. It is probable that PsY saw in this verse the opportunity to return to one of his preferred topics.

Leviticus 20,21:

And a man who shall take his brother's wife, it is impurity, he has uncovered the nakedness of his brother, they shall be childless.

PsY And a man who shall take his brothers wife, *in his lifetime...*

וגבר די יסב ית אתת אחוי בחייו...

PsY may be emphasising that there is no conflict between this law and that of levirate marriage. Alternatively he may follow M. Yebamot 2,1 which permits relations with the wife of a brother who died before he was born. Whatever the case, relations with one's brother's wife are forbidden whilst the brother is alive.

Leviticus 22,24:

That which is bruised, or crushed, or torn, or cut, you shall not offer unto the Lord, and you shall not do so in your land.

PsY: ...you shall not *perform castration in your land.*

¹³² R. Yehuda said in the name of Rav. Some said it was taught in a baraita: *Sanctify yourselves*, this refers to washing of the hands before the meal and *you shall be holy* this refers to washing of the hands after the meal.

¹³³ A. Shinan, Targum V'Aggada Bo, pp. 115-120.

ודמעך ודכתישין פחדוי דעשהית ודמרסם גדוי ... ובארעכון לא תמרסון.

B. Shabbat 106b understands **you shall not do so** to refer to castration. Sifra (Emor 7,11) may also understand it in this way¹³⁴: *I only derive that you shall not offer. From where do we derive that you shall not do? We learn it from you shall not do so.* Sifra is not explicit enough for us to uncritically assume that PsY is following it.

Numbers 9,12:

They shall leave none of it until morning, and shall break no bone of it, according to all of the statute of the Passover they shall keep it.

PsY: ... according to all of the statute of the Passover they shall keep it *but in the Passover of Nissan they shall eat unleavened bread and shall not offer the sacrifice of the Passover, since their uncleanness is in them. And on the Passover of Iyyar they shall be clean and shall sacrifice it.*

...בכל אחוית גזירת פסחא דניסן יעבדון יתיה ברם בפסחא דניסן הינן ייכלון פטירי וקורבן פסחא לא יעבדון מטול דסואבותהון בהון ובפסחא דאייר ידכון ויקרבון יתיה.

Sifrei Numbers (69, p. 66): **according to all of the statute of the Passover...** *The Bible is talking of the commandments which are part of the essence (of the festival).*

PsY is in accordance with the basic meaning of the Hebrew text, and with the general principle set out in Sifrei. However his language is so far removed from that of Sifrei, and so much clearer, that it is difficult to suggest that he is making direct use of it.

Numbers 15,22:

And when you err, and do not observe all these commandments which the Lord has spoken to Moses.

PsY: ...and do not observe *one of* all these commandments.

...ולא תעבדון חדא מכל פקודיא...

Sifrei Numbers 111 (p. 116) considers this obligation to relate to the sin of idolatry. *Do you say this is idolatry or any one of all the commandments specified in the Torah?...It is idolatry.*

The way that the Hebrew verse is phrased could be construed to mean that a sin offering should only be brought if **all** the commandments in the Torah were not kept. PsY therefore clarifies

¹³⁴ See the commentary of Abraham b. David of Posquieres.

that it refers to individual laws, not the entire legal corpus. This is the most likely case, it would be virtually impossible to break all the laws and to do so would surely require a greater atonement than a sin offering.

Sifrei clearly also understands that the verse could be taken to mean any one of the commandments, it therefore advises us that legally the verse refers to idolatry. PsY seems to be in agreement with the opinion rejected by Sifrei.

Numbers 18,13:

The first fruits of all which are in their land, which they shall bring to the Lord shall be yours, all that are clean in your house may eat it.

PsY: The first fruits of all *the fruits of the trees* which are in their land...

בכורי דכל פירי אילני ארעדין ...

M. Bikkurim 1,3 states that the first fruits are to be brought from the seven species. These include wheat and barley and therefore the first fruits are not limited to those from trees¹³⁵. PsY clearly contradicts this Mishnah. However in M. Bikkurim 3, 1, where the selection of the first fruits is described, only figs, grapes and pomegranates are referred to. PsY may regard the practical case as being limited to the fruits of these three varieties, which loosely speaking can be considered the fruit of trees. But more probably, since the previous verse legislates for the first fruit of the corn to be given to the priests, PsY may consider that wheat and barley have already been covered and that this verse refers to the other species, all of which grow on trees. PsY may therefore be translating in a way that allows him to remain within the context of what has been specified in the previous verses. His translation does not match any specific source, but it would be pedantic to argue that he conflicts with rabbinic tradition. In Deuteronomy 26,2 (page 78), he does not restrict the first fruits to the fruit of trees.

Numbers 28,4:

The one lamb you shall offer in the morning, and the second lamb you shall offer between the evenings.

PsY: The one lamb you shall offer in the morning, *to atone for the sins of the nights* and the second lamb you shall offer between the evenings *to atone for the sins of the days*.

¹³⁵ Genesis Rabba 15,7- *What was the tree which Adam ate from? Rabbi Meir said "Wheat".* Although wheat does not fall into the halachic category of tree, it is possible that any tall plant was colloquially referred to in this way.

ית אימר חד תעביד בצפרא למכפרא על חובי ליליא וית אימר תניין תעביד ביני שמשתא
למכפרא על חובי יממא.

This statement (which is more aggadic than halachic, but which may be intended as a regulation) is found in Yalkut Shimeoni 777. It is cited in the name of R. Yudan but the original source is unknown. R. Yudan was a Palestinian Amora of the fourth generation (mid 4th Century) who transmitted aggadot from earlier generations¹³⁶. It is not possible to know what source, if any, R. Yudan was quoting.

Deuteronomy 6,7:

And you shall teach them to your children and you shall speak of them, when you sit in your house and when you walk by the way and when you lie down and when you rise up.

PsY: ...when you sit in your house *at the time when you are occupied in your wedding ceremonies...*

...במותביכון בבתיכון בזמן מעסוקבון בחיתונכון...

PsY to Deuteronomy 11,19: **when you sit in your house *in your wedding ceremonies...***

...במותביכון בבתיכון עם חיתונכון...

M. Berachot (2,5) exempts a bridegroom from reading Shema during his wedding week but records that Rabban Gamliel nevertheless read it. M. Berachot (2,8) allows a bridegroom to read but Rabban Shimeon ben Gamliel implies that one should have a special piety before doing this: לא כל הרוצה ליטול את השם יטול¹³⁷. Reifmann¹³⁸ amends the text of PsY to *not at the time when you are occupied in your wedding ceremonies*.

Yitzhaky notes that PsY opposes the Mishnah. But, as noted on Exodus 22,30 (page 86) there were some voluntary pious acts which were customary amongst certain groups. In that verse PsY agrees with a voluntary custom of Rabban Gamliel, as he does here. This tendency to follow R. Gamliel in matters of piety may be noteworthy.

¹³⁶ H.L. Strack & G. Stemberger Introduction, p.103.

¹³⁷ M. Jastrow, A Dictionary, s.v. טל renders: *not every one that desires to assume a name may assume it*. he adds "i.e not everyone has a right to consider himself superior to the masses". M. Simon, Tractate Berakoth, (London, 1960) p. 16b following the Gemara in Berachot 17b translates "Not everyone who desires to pass as a scholar may do so". Danby, The Mishnah translated from the Hebrew, (Oxford, 1933), p.4 reads "not everyone who is minded to assume the name may assume it", noting "a reputation for piety which he has not otherwise earned"

¹³⁸ Y. Reifmann, "He'arot", p 347.

Deuteronomy 15,17

And you shall take the awl, and you shall put it through his ear and into the door, and he shall be a servant to you for ever, and even to your woman-servant you shall do thus.

PsY: ...and into the door of the *Bet Din* and he shall serve as a servant to you *until the Jubilee* and even to your woman-servant you shall write a bill of freedom and you shall give it to her.

We have already noted Samely's conclusions that PsY frequently requires a Bet Din in formal situations¹³⁹. Sifrei Deuteronomy 122 (p.180) refers us to the parallel passage in Exodus 21,6, where the slave is brought before the judges to make his declaration and to have his ear pierced.

That the slave only serves *until the Jubilee*, rather than *for ever* is a fundamental principle of Jewish law and is stated explicitly in Mechilta Nezikin 2, (p.253) with respect to the parallel passage in Exodus 21,6. PsY also inserts *until the Jubilee* in Exodus 21,6 and may simply be copying that comment here.

Henshke¹⁴⁰ suggests that PsY's addition regarding the *bill of freedom* derives from a now-lost text from "Mechilta Deuteronomy" attributed to the school of Rabbi Ishmael. He concedes that his suggestion is speculative. PsY does not follow the conclusion of Sifrei Deuteronomy 122 (p.181) that the woman servant is to be outfitted with appropriate necessities, but, by not stating that she is to have her ear pierced, he conforms with Sifrei Deuteronomy's ruling to that effect. Instead he understands *you shall do thus* as referring to the bill of divorce required by Mechilta Nezikin 3, p.259, which PsY also interpolates into Exodus 21,11.

Deuteronomy 16,2:

And you shall sacrifice the Passover to the Lord, sheep and cattle in the place which the Lord will choose to cause His Name to dwell there.

PsY: ... and sheep and oxen on the next day, on that very day, to rejoice in the festival...

וּתִכְסֹּן פֶּסַחָא ... בִּינֵי שִׁמְשֵׁתָא וְעֶאֱזַן וְתוֹרֵי לַמָּחֶר בְּכֶרֶן יוֹמָא לְחֻדּוֹת חֲנָא...

PsY is explaining the apparent contradiction in the bible. Exodus 12,5 specifies a lamb or goat kid for the paschal offering, here it appears that a sheep or ox is permitted. Various attempts have been made to harmonise the two passages, the traditional one being that the sheep is for

¹³⁹ Above, page 62.

¹⁴⁰ Henshke, "L'Tiv Zikato shel HaTargum" pp. 200 ff.

the paschal sacrifice and the ox for the festival 122 (p.180) offering. PsY presents a variation of this which may be similar to the view expressed by Rabbi Ishmael (Mechilta Pisha 4, pp.13-14), and anonymously in Sifrei Deuteronomy 129 (p.187) - *the bible speaks of the festive offering (hagigah)*. But although the idea in PsY is similar to those in Mechilta and Sifrei Deuteronomy, the way it is expressed is very different. PsY is not directly copying from these sources but may be influenced by them.

Onkelos also interprets this text in an expansive way to resolve the contradiction. Yitzhaky notes that PsY inserts an additional *and* before **sheep**, and suggests that PsY has a different reading of the biblical text.

Deuteronomy 20,19:

When you shall besiege a city for many days to make war against it to take it, you shall not destroy its trees by wielding an axe against them, for you may eat of them, but you shall not cut them down, for is the tree of the field man that it should come before you in the siege?

PsY: *..besiege a city all the days of the week to make war against it to take it on the Sabbath.*

ארום תקפון על קרתא כל יומי שבעתא לאגדה קרבה עלה למכבשה בשבתא.

Yitzhaky¹⁴¹ sees PsY as opposing the School of Hillel in T.Eruvin 3,6 and the parallel *baraita* in B. Shabbat 19a (where the ruling is quoted in the name of the school of Shammai): *An army that goes out to a permitted war must not besiege a foreign city less than three days before Sabbath; but if they have started they do not interrupt, even on the Sabbath. And so Hillel the elder said until it falls* (Deuteronomy 20,20)- *even on Shabbat*. A similar ruling is found in Sifrei Deuteronomy 203, (p.238). Finklestein¹⁴² regards this as a later addition to Sifrei Deuteronomy. These sources however prohibit the commencement of the siege on Thursday or Friday, but presumably once it has begun it can continue on any day. Yitzhaky regards PsY as allowing the siege to begin on any day.

PsY's interpolation *all the days of the week* is a substitute for **many days**. He is almost certainly not speaking of the day on which the siege starts, but is simply drawing attention to the fact that sieges can take place on every day of the week, and that the city can even be taken

¹⁴¹ E. Yitzhaky, The Halacha in Targum Yerushalmi I, p. 613

on the Sabbath. He is simply incorporating the underlying halachic principle into the framework of the text as he has it. As we saw on Leviticus 29, 11-31 (above, p.87), PsY explains the text in an uncomplicated manner even though this means omitting certain details of the law.

Deuteronomy 21,2:

Then your elders and your judges shall go out and shall measure to the cities which are round about him that is slain.

PsY: And from the great Bet Din shall go out two of your sages and three of your judges...

ויפקין מבי דינא תריין מן הכימין ותלת מן דייניך...

PsY agrees with R. Yehuda in M.Sotah 9,1 and in Sifrei Deuteronomy 205, (p.241) regarding the numbers who go out to measure. But PsY is clear that the fifth person brought in so that an odd number of people will sit on the Bet Din, is drawn from the ranks of the judges, not the sages. R. Yehuda is not so specific, he just requires a fifth person to be added to two judges and two sages. In M. Sotah 9,1 R. Yehuda holds the same opinion against the anonymous view that only three people are necessary. Y.Sotah 9,1 takes issue and says that the anonymous opinion in the Mishnah refers to the number required for "laying on hands" but that five are needed to break the calf's neck.

Rather than becoming embroiled in the fine details of a legal debate, he provides the basic outline of R. Yehuda's view within the framework of the source text, and suggests what seems to be the most probable case, that a third judge is more likely to be called upon. This suggests that he is more concerned with translation and clarification of the text than with laying down the law. Ultimately he is modifying a traditional ruling by use of his independent reasoning.

PsY's concern that the Bet Din includes three judges is seen also in Deuteronomy 25,7 (below, page 113) **then his brother's wife shall go up to the gate of the Bet Din, before five sages- and three shall be as judges and two as witnesses** - Again PsY agrees with the ruling of R. Yehuda, that the Bet Din is comprised of five people. R. Yehuda does not specify how many of the five have to be judges, but PsY is careful to limit the judges to three, whilst at the same time providing two witnesses.

¹⁴² A.A. (L.) Finklestein Sifrei Deuteronomy, p. 138.

Deuteronomy 21,22:

And if a man has committed a sin worthy of death, and he be put to death and you hang him on a tree.

PsY: *...worthy of death, and he is convicted to (death by) casting of stones, and after this they shall hang him on a tree.*

חובת דין קטול ויתחייב אטלות אבנין ובתר כדין יצלבון יתיה על קיסא.

In Sifrei Deuteronomy 221 (p.254) and M. Sanhedrin 6,4, R. Eliezer and the Sages respectively debate whether all who have been stoned must be hanged, or only those guilty of blasphemy and idolatry. PsY points out the basic fact that hanging from a tree is subsequent to death by stoning, but his wording does not parallel any source that we have.

Deuteronomy 21,23:

You shall not leave his corpse on the tree, but you shall surely bury him that day , for he that is hanged is a reproach of God, and you shall not defile your land which the Lord your God gives you as an inheritance.

PsY: *but you shall surely bury him that day for it is a reproach of God to hang a man however his sins brought it about and since he was made in the image of God you shall bury him with the sunset...*

...ארום קילותא קדם אלקא למצלוב גבר אלהן חובוי גרמו ליה...תקברוניה עם מטמוע שמשא...

PsY's injunction to bury the hanged corpse at sunset is found also in Midrash Tannaim (p. 132) but in a different setting: *make him wait until close to sunset and pronounce sentence and put him to death and then hang him; one ties him up and another releases him in order to fulfil the commandment of hanging*. Sifrei Deuteronomy 221 (p.254) is similar but has *dark* instead of *sunset*. However, PsY's text is not sufficiently close to Midrash Tannaim for us to conclude that he made use of it. Midrash Tannaim and Sifrei Deuteronomy both echo M. Sanhedrin 6,4 in a number of details, but Midrash Tannaim is the only source specifically to mention sunset. PsY contains nothing from M. Sanhedrin but has sunset in common with Midrash Tannaim.

PsY is probably creating his own exegesis, whilst aware of the general rabbinic position. The burial has to take place **that day** but clearly the corpse is to be left hanging as a warning to others. It is reasonable to conclude that it is buried at the latest possible moment in the day, i.e. sunset.

Deuteronomy 22,29:

And the man who lay with her will give to the father of the girl fifty shekels of silver and she shall be his wife, because he humbled her, he shall not send her away all his days.

PsY: ...give to the father of the girl *an indemnity for her shame* fifty shekels of silver...

ויתן גברא דשמש עמה לאבוהא דעולימתא דמי בהתא חמשין סלעין דכסף...

Mishnah (Erakhin 3,4) requires fifty shekels to be given in addition to compensation for shame and indignity. PsY requires the fifty shekels to be given for her shame. But PsY may be imperfectly importing the halacha from the Mishnah in order to stress that shame requires compensation. Or we may have a corrupt text, a conjunction *and* before **fifty shekels of silver** may have dropped out. This would then fit with the Mishnah.

This passage is the source for the 200 zuz that are specified in the marriage document (Ketuba). Perhaps PsY wants to state that these fifty shekels are for damages and not the ketuba.

Deuteronomy 23,8:

Do not abhor an Edomite for he is your brother, do not abhor an Egyptian for you were a stranger in his land.

PsY: Do not abhor an Edomite *that comes to convert* for he is your brother, do not abhor an Egyptian *that comes to convert* for you were a stranger in his land.

לא תרחקן אדומאה דאתי לאתגיירא ארום אהוכון הוא לא תרחקין מצראה דאתי לאתגיירא
ארום דיירין הויתון בארעהון.

Deuteronomy 23,9 says that the third generation of Egyptians and Edomites can come into the congregation. This raises the question of who the first two generations can marry in order to produce grandchildren. In Sifrei Deuteronomy 253 (p.279), R. Yehuda tells of two generations of male and female Egyptian converts who married and whose grandchildren were able to come into the congregation to marry Israelites. PsY seems to draw on this tradition and understands the verse as meaning converts.

Although we cannot argue from silence, PsY does not seem concerned about abhorrence of Edomites or Egyptians who do not come to convert. The biblical text is far more inclusive. PsY

seems to have a welcoming attitude to converts whilst at the same time shunning idolatry; we see similar evidence in Numbers 10,29¹⁴³ and Deuteronomy 23,16 (page 74).

Deuteronomy 23,10:

When you go out in camp against your enemies, you shall keep yourself from every evil thing.

PsY: ...every evil thing *from idolatry and immorality and shedding innocent blood.*

...ותמתרון מכל פתגם דביש מפולחנא נוכריא וגילוי ערייתא ושדוית אדם זכאי.

Sifrei Deuteronomy 254 (p. 280) concludes that this verse refers to idolatry, bloodshed and blasphemy. PsY is similar but not identical.

Deuteronomy 23,14:

And you shall have a paddle among your weapons (אונך) and it shall be that when you sit down outside you shall dig with it, and you shall turn back and cover that which came out of you.

PsY: ... among your weapons, *the place where you bind your swords...*

וסיכא תהוי קבעא לבין על בני ויניכון אתר דתכרון סייפיוכון...

Sifrei Deuteronomy 257, (p. 281). Weapons (אונך) *only means a place.*

This is the only biblical occurrence of the word און to mean weapons. PsY agrees with Sifrei Deuteronomy in that it means a place, but Sifrei Deuteronomy does not contain PsY's comment that it is the place where the swords are tied. Perhaps PsY adds this latter comment in order to clarify the interpretation drawn from Sifrei Deuteronomy.

Deuteronomy 23,22:

When you vow a vow unto the Lord your God, you shall not delay in fulfilling it, for the Lord your God will surely seek it from you and there shall be sin in you.

PsY: ...you shall not delay in fulfilling it *three festivals* for the Lord your God will surely seek it, *there shall be no guilt in the offering and the disqualified thing in the treasury of the Master of the Universe stands and there shall be sin in you for delaying the freewill offering.*

...לא תחרון לשלמותיה תלת חגין... בקרבנא לא יהי חוב ופסולא דבהפתיק מרי עלמא קאי

¹⁴³ Where, according to PsY Moses tells Jethro go with us and we will do you good for the Lord has said to do good to the converts concerning Israel.

ולא יהי בך חובת עכוב נדרא.

Sifrei Deuteronomy 264 (p. 285) **and there shall be sin in you - *sin in you and not sin in your offerings.***

PsY's interpolation is much more expansive and detailed than Sifrei Deuteronomy, although there is a similarity in that there is *no sin/guilt in the offering*. This is not enough to allow us to conclude that he is expanding on Sifrei Deuteronomy.

Both Midrash Tannaim (p. 151) and Sifrei Numbers 152 consider that vows must be fulfilled at the following festival, rather the following three as PsY. Midrash Tannaim adds that the offering may be brought up to three festivals (i.e. one year) after the vow. Again PsY may be presenting an abridged version of the law into order to keep his interpolation compact (see Leviticus 11,29-31, p. 87 and Deuteronomy 20,19 p. 96).

Deuteronomy 24,8:

Take heed in the plague of leprosy, that you observe diligently, and do according to all that the priests the Levites shall teach you; as I commanded them, so you shall take care to do.

PsY: **Take heed *not to cut off the flesh that has a bright spot in it...***

אסתמרו דלא למקטוע בישרא דביה בהקי...

Midrash Tannaim (p. 157): *This comes to teach us about one who detaches his symbols¹⁴⁴ or burns his raw flesh or who chops his bright spot; he transgresses a negative commandment.*

PsY resembles Midrash Tannaim but is not identical.

Midrash Tannaim does not contain the second interpolation at all. It links the two halves of the verse, but there seems to be no exegetical or textual reason to include it. It may be to emphasise **according to all**, or it may be that PsY knew a variant of the tradition in the Midrash Tannaim text.

c) Selected quasi-legalistic material

Finally, we see an occasional comment in PsY which, whilst only being quasi-legalistic, is nevertheless of interest inasmuch as it provides information concerning PsY's use of sources for practical purposes:

¹⁴⁴ i.e. the white hairs that are a symptom of the plague which translated as "leprosy".

Deuteronomy 20,5-8:

And the officers will speak to the people saying: Who is the man who has built a new house and not dedicated it, let him go and return to his house, lest he die in war and another man will dedicate it. And who is the man who has planted a vineyard and has not used its fruit, let him go and return to his house, lest he die in war and another man use its fruit. And who is the man who has betrothed a wife and not taken her, let him go and return to his house, lest he die in war and another man take her. And the officers will further speak to the people and say, who is the man who is fearful and soft of heart, let him go and return to his house, lest the heart of his brothers melt as his heart.

PsY: ...who has built a new house and not *fixed a mezuzah upon it*...lest the sin cause him to die in war...who has planted a vineyard and not redeemed it from the priest lest the sin that he did not redeem it or use its fruit cause him to die in war...who has taken a wife...lest the sin that he did not rejoice in his wife cause him to die in war...who is the man who is fearful of his sin...

...מאן גברא די בנא ביתא חדתא ולא קבע ביה מזוזתא לשכללותיה יהך ויתוב לביתיה
דלמא יגרום ליה חובא ויתקטיל בקרבא וגבר חורן ישכלליניה. ומאן גברא די נציב כרמא ולא
פרקיה מן כהנא ואהליה יהך ויתוב לביתיה דלמא יגרום ליה חובא דלא פרקיה ויתקטיל
בקרבא וגבר חורן יהלניה. ומאן גברא דקדש אתתא ולא נסכה יהך ויתוב לביתיה דלא
יגרום ליה חובא דלא הדי באינתתיה ויתקטיל בקרבא וגבר חורן יסביניה.

Yitzhaky classes all these verses as halachot, but in reality the reasons given for the soldier's possible demise in battle are not halachot but homilies. We have included it here since it occurs in Yitzhaky's alleged list of unattested legal rulings in PsY.

One may see a possible halacha in verse 8, *fearful of his sin*... but in any event it is the fear which is operative here not the sin. PsY agrees with Sifrei Deuteronomy 197, p. 236, with R. Yose the Gallilean in M. Sotah 8,5 and Midrash Tannaim (20, 5-8) on this latter comment only. The other interpolations are all PsY's interpretations of how the soldier would have performed the various acts that he had not yet carried out.

This represents an interesting change in attitude from the biblical text. There the soldier is encouraged to return since his possible death would deprive him of the pleasure he had expected. In PsY his death would be deserved because he had neglected a commandment. Enjoyment is not a factor any more, PsY is far more austere.

Deuteronomy 23,3:

A bastard shall not come into the congregation of the Lord, even to the tenth generation none of his shall come into the congregation of the Lord.

PsY: **There shall not be admitted *anyone who is born of fornication, who has in him an evil blemish, that is given of the non-Israelite people; to marry a legitimate woman of the congregation of the people of the Lord even to the tenth generation...***

לא ידכי דמתיליד מן זנו דביה מומא בישא דאתיהיב בעממא חולונאי למיסב איתא כשרא

מקהל עמא דה' אוף דור עשיראי...

This is not found in any of the sources. M.Yevamot 4,13 defines a bastard as one who is born of a forbidden relationship in which the parents are liable to extirpation. PsY's definition of bastard does not concur with this, and is closer to the Western tradition that a bastard is one born out of wedlock. His comment on relations with a non-Jew is reminiscent of Leviticus 18,21 (above, page 55) where the Targumist is keen to find a biblical reference to condemn intermarriage. Perhaps this is one of his agendas.

But PsY's translation is not really an halachic comment. We are discussing this verse because Yitzhaky claims that it represents a ruling by PsY that does not conform with rabbinic tradition. PsY does not use the term **bastard** even though it occurs in the biblical verse. In fact he is not providing a definition of what constitutes a bastard. Rather, he is giving us three aggadic comments on the Hebrew word ממזר, based on the technique of notaricon (wordplay based on the initial letters of a phrase). The reference to *evil blemish* is a *notaricon* found in the Venice printed edition of Sifrei Deuteronomy 248 and Y.Kiddushin 3,14 (64c), in which the Hebrew ממזר is considered to be derived from מום זר (strange blemish). This same Hebrew phrase can be translated as *blemish of a stranger*, hence the prohibition against one *given of the non-Israelite people*. The notaricon exists also (but not in Sifrei Deuteronomy) in the form זרע רע (for which I have not yet found the earliest source) - *blemish of evil seed* which could explain PsY's prohibition against fornication. PsY does not specifically spell out the notaricons. It may be that he knew his audience was familiar with the traditions of breaking ממזר into component words, and is simply explaining how the phrases מום זר and זרע רע may be read back into the verse. It is possible but by no means conclusive that PsY uses Sifrei Deuteronomy here for the first two notaricons.

Deuteronomy 24,17:

You shall not pervert justice for the stranger or orphan, and you shall not take the garment of a widow as a pledge.

PsY: ...the garment of a widow as a pledge so that evil neighbours shall not arise and give you a bad reputation when you return the pledge to her.

...ולא ימשכן חד מנכון כסו דארמלתא דלא יקומון שיבבון בישין ויפקון עלך טיב ביש כד תהדרון
משכונא לה.

Sifrei Deuteronomy 282 (p.298): *R. Shimeon said, things that you take as a pledge from a man you shall not return to a woman, so that you should not go and come by her so as not to get her a bad name.*

Midrash Tannaim (p. 160): *R. Yishmael said, the Bible teaches you to keep far from an unseemly thing, and from something similar to an unseemly thing, and from something similar to something that is similar to an unseemly thing; so that others shall not suspect you of a transgression. How? If he brings a garment worn by day into her house at night, or a garment worn at night by day, then they will say there is suspicion concerning him about her.*

PsY is not identical to Sifrei- he does not mention the pledge taken from a man, and he holds that the bad reputation falls on you, not her. He is also not identical to Midrash Tannaim, which is however concerned primarily with the man's reputation. Nevertheless there is too much similarity between all the sources to ignore and it is possible that either PsY is paraphrasing one or both of these sources so as to interpolate it neatly, or alternatively using a third similar tradition.

Deuteronomy 25,4:

You shall not muzzle an ox when it treads the grain.

PsY: You shall not tie up the mouth of an ox at the time that it is on its way, however the widowed childless sister-in-law that is acceptable to one afflicted with boils and is not suitable, you shall not tie her to him.

לא תזממון פום תורא בשעת דרכיה ברם יבימתא דאיתרעת קמיה לקי שיחנא ודלי חמי לא
תזממון ליה.

A parallel to PsY is found in the baraita, based on this verse, in B. Yevamot 4a, and B Makkot 23a. The source of the baraita is unknown. Again this is a quasi-legal comment, it almost certainly has a homiletic purpose.

Targumic Traditions

Targumic traditions are an important source of material in PsY. We will divide them into two groups. In the first we will include some of those comments in PsY which are also found in Onkelos, but in no other Targum. These may have entered PsY through proto-Onkelos, but it is also possible that they are “corrections” inserted into PsY by a scribe who knew Onkelos. The second group will list some of the verses where PsY agrees with at least one other Palestinian Targum. In both groups we will discuss the verses in biblical order:

a) Traditions found in PsY and also only in Onkelos.

Exodus 12,9:

Do not eat from it raw, or boiled at all in water, but roasted by fire, its head upon its knees upon its innards.

PsY: Do not eat from it raw...

לא תיכלון מניה כד חי...

PsY and Onkelos agree with Mechilta Pischa 6 (p.21) in understanding the obscure word נא as חי, raw.

Leviticus 4,16:

And the anointed priest shall bring of the blood of the bull to the tent of meeting.

PsY: And the *high* priest...

וייעול כהנא רבא מן אדמא...

PsY translates the anointed priest as the *high* priest. Onkelos does the same. Neither Sifra, nor M. Horayot 1, 4-5 which deals with this issue, discuss who should officiate over the community's sacrifice.

Leviticus 20,11:

And a man who shall lie with his father's wife, he has uncovered his father's nakedness, the two of them shall surely die, their blood is upon them.

PsY: ...the two of them shall surely die *they are liable to death by casting stones*.

...איתקטלא יתקטלון תריהון קטלא הייבין באטלות אבנין.

The exegetical proof that **of their blood shall be upon them** means death by stoning is found in Sifra Kedoshim 10,9.

Rather than interpolating, PsY replaces **their blood is upon them** with *they are liable to death by casting stones*. We see a similar process in which the language of the Hebrew is replaced by its actual rabbinic interpretation in Exodus 23,19; 34,26 and Deuteronomy 14,21. In those verses PsY, Onkelos and Neofiti all replace **you shall not boil a kid in its mother's milk** by *you are not permitted either to cook or to eat milk and meat, combined together* and the reference to both the **kid** and its **mother** disappear. The substitution in those verses is part of the targumic tradition. Similarly, at every occurrence of the phrase **their blood is upon them** however¹⁴⁵, both Onkelos and PsY substitute *they are liable to death* and in three verses¹⁴⁶ PsY adds *by casting stones*. Neofiti however has *the guilt of their blood shall be upon them* whilst FT, where relevant, retains **their blood is upon their head**.

PsY seems to be in accordance with a targumic tradition, albeit one that is restricted to PsY and Onkelos.

Leviticus 25,35:

And if your brother becomes poor and his means fail with you, then you shall uphold him, a sojourner and a settler he shall live with you.

PsY: ...then you shall uphold him, *and you shall give him benefit, he shall sojourn and settle and be supported with you.*

...ותתקף ביה ותהנייה ידור ויתותב ויתפרנס עמו.

The verse refers to **your brother** which presumably means an Israelite. But the nouns **sojourner** and **settler** (גר and תושב) are usually used biblically in the context of non-Israelites. This would cause a problem for a translator, it is not clear if the verse refers to Israelites, non-Israelites or both.

PsY treats the words **a sojourner and a settler** as verbs not nouns. Sifra (Behar Parasha 5,1) understands them as nouns and extends the injunction to include the stranger and settler as well

¹⁴⁵ Leviticus 20,11; 20,12; 20,13; 20,16; 20,27.

¹⁴⁶ Leviticus 20,11; 20,12; 20,13.

the Israelite. But we find the same reading as PsY in MS OR 2363 which Sperber used as the basis for his¹⁴⁷ edition of Onkelos. We may see in PsY and in Sperber a targumic tradition which reflects how the translator deals with the problem of this verse.

Numbers 28,7:

And its drink offering a quarter of a Hin for the one lamb, in the holy (place) you shall pour out a drink offering of strong drink to the Lord.

PsY: ... shall be poured out a drink offering of old wine and if no old wine is to be found he shall bring forty dry old wine for a drink offering...

וְנִסְכֵּיהֶם רְבָעוֹת הֵינָא לְאִמֵּר הֵד בְּמֵאנֵי בֵּית קֹדֶשׁ יִתְנַבֵּךְ נִסְכֵּךְ חֹמֶר עֵתִיק וְאִין לֹא מִשְׁכַּח
חֹמֶר עֵתִיק מִיֵּיתִי חֹמֶר בֵּר אַרְבַּעִין יוֹמִין לְמִנְסַכָּא...

PsY and Onkelos translate *strong drink* as old wine on both occasions that the word occurs in the Pentateuch (here and Numbers 6,3). This seems to be part of the targumic tradition. The sages in M. Menahot 8,6 permit old wine. Rabbi (Yehuda) forbids it.

b) Targumic Traditions that appear in PsY and at least one other Palestinian Targum

Leviticus 19,9:

And when you reap the harvest of your land, you shall not wholly reap the corner of your field, and the gleaning of your harvest you shall not gather.

PsY: ...you shall not wholly reap *one row that is in your field*...

...לֹא תִסְיִפּוֹן אִמְנָא הָדָא דְאִית בְּחֻקְלָךְ...

PsY, FT, and Neofiti translate פֶּאֶה as אִמְנָא. This is part of the targumic tradition. (PsY translates similarly in Leviticus 21,4, where the word refers to the corners of the head, but not in 19,27 speaking of the corner of the beard).

Leviticus 22,4:

Any man of the seed of Aaron who is a leper or who has an issue shall not eat of the holy things until he is clean, and anyone who touches anything unclean by the dead, or a man from whom the flow of seed goes out.

PsY: anyone who touches anything unclean *by a man*...

¹⁴⁷ A. Sperber, The Bible in Aramaic, Vol. 1, (Leiden, 1959).

...ודיקרב בכל מואבת בר נש ...

This interpolation is unclear. Neofiti translates the Hebrew טמא נפש as *anything unclean by a dead man*- נש טמא נפש. The biblical phrase טמא נפש is often taken to mean uncleanness through contact with a human corpse and PsY's סואבת (=טמא) could be following this tradition, as does Neofiti, although PsY has lost the word נפש- dead.

Leviticus 25,29:

A person who sells a dwelling house in a walled city, then he may redeem it within a whole year after it is sold, for "days" shall he have the right of redemption.

PsY: ... until the completion of a year after it is sold, *from time to time* shall he have the right of redemption.

... עד משלם שתא דזבניו מן עידן לעידן יהי פורקניה

PsY's use of *from time to time* phrase is also found in Onkelos and Peshitta. It is a common targumic usage which means an exact year. This is supported by PsY's retention of **until the completion of a year after it is sold**. The addition of *from time to time* therefore must indicate that the redemption takes place at the completion of an exact year.

Numbers 28,2:

Command the Children of Israel and say to them, my offerings, my bread, for my fire offerings of a sweet savour to me, you shall observe to offer to me at its season.

PsY: my offerings *the bread of my arranged table the priests shall eat, and that which you offer on the altar there is no permission for a man to eat it is a fire offering...* My people, children of Israel be careful to offer it from the offerings of the treasury as a sacrifice before me in its season.

...קורבני לחים סדור פתורי ייכלון כהניא ומה דאתון מקרבין על גב מדבהא לית רשו לנבר

דייכול מניה הלא אישתא הוא ... עמי בני ישראל הוו זהירין למקרבא יתיה מאפרשות לשכתא

קרבן קדמי בזמניה

a) PsY and FT both understand this verse as referring to the shewbread. This is almost certainly a product of the shared targumic tradition and comes about as a result of the difficult phrase **my offerings, my bread** which cannot easily be translated. Sifrei Numbers does not contain this tradition.

b) PsY also contains the phrase, frequent in the Palestinian targumic tradition, *My people, children of Israel* which seems to occur as an introduction to commandments of special ethical or ritual significance ¹⁴⁸. *My people, children of Israel* occurs in FT at this point as well. Here the injunction in the Torah is to offer the sacrifice in its season.

It is not clear why this is of such importance. If it were connected with Sifrei Numbers 142 (p.188) which states that the offering of the perpetual sacrifice (Tamid) overrides the Sabbath, we would expect PsY to stress this. The use of *My people, children of Israel* here may be connected with fact that this is the opening verse of the reading for the New Moon, and that it may once have been a special reading on a particular Sabbath before Passover¹⁴⁹

Deuteronomy 14,21:

You shall not eat anything that dies of itself, you may give it to the stranger that is within your gates that he may eat it, or you may sell it to a foreigner, for you are a holy people to the Lord your God; you shall not boil a kid in its mother's milk.

PsY: *You are not permitted to cook any clean thing, to eat meat and milk, the two of them mixed together.*

...לית אתון רשאין למיבשלא כל דכן למיכול בשר בחלב תרויהון מערבין בחדא.

This is a paradigmatic instance in which the targumic tradition overrides the original sense of the verse. PsY, in common with Neofiti and Onkelos omits any reference to the **kid** and its **mother**. They choose instead to present the well attested halacha that the verse prohibits the eating of milk and meat together.

It may be that the words "any clean thing" כל דכן are erroneous In the two parallel passages in Exodus 23,19 and 34, 26, PsY translates almost identically but omits these words. The vertical line in the manuscript may be a reader's attempt to exclude these words, which would make much sense.

¹⁴⁸ The phrase occurs before each of the ten commandments (Exodus 20 & Deuteronomy 5), five times in Exodus 23 and more than once in Leviticus chapters 19, 22 and 25.

¹⁴⁹ Its occurrence in Pesikta Pabbati and Pesikta d'Rab Kahana indicate that this section was read on special occasions. Meir Ish-Shalom, *Pesikta Rabbati*, (Vilna, 5640), p. 79b suggests that the comment in M. Megilla 3,4; "at the fifth (special shabbat before Passover) they return to the set order" together with the view of Rav in B. Megillah 29b that Numbers 28,2 ff. was the reading for "Chapter Shekalim" is evidence that this passage was indeed an additional reading. But PsY does not introduce any of the other special pre-Passover Pentateuchal readings with *My people, children of Israel*.

Deuteronomy 14,22:

You shall surely tithe all the produce of your seed that comes out of the field, year by year.

PsY: ... out of the field each and every year *and not the fruit of one year with the fruit of another year.*

...מן חקלא כל שתא ושתא ולא פירי שתא על פירי שתא אחר.

In prohibiting mixing the produce of different years to calculate the tithe, PsY expresses the same view as both Sifrei Deuteronomy 105, p.164 and M. Terumah 1,5 but uses different language. This is not an exegesis forced upon PsY because of a problem of translation. The same prohibition is found also in FT on this verse, introduced by the words "My people, Israel"¹⁵⁰ which gives the injunction a special force¹⁵¹. This gloss is therefore almost certainly a targumic tradition.

Deuteronomy 21,3:

And it shall be that the city nearest to the slain, that the elders of that city shall take a calf of the cattle which has not been worked and which has not been drawn in the yoke.

PsY: ... the elders of that city shall take a calf of the cattle *that is not crossbred...*

ויסבון...מבי קרתא ההיא עגלת ברת תורין דלא עירובין ...

Yitzhaky shows in his comments on Numbers 15,24 that the Palestinian targumic tradition often translates double phrases such as "a kid of the goats", "a calf of the cattle" as meaning a pure breed- עירובין דלא e.g. Leviticus 16,5; 23,11; 23,19.

Deuteronomy 21,4:

And the elders of that city shall bring down the heifer to a rough valley (איתן), which may be neither ploughed nor sown, and shall break the heifer's neck there in the valley.

PsY: ...bring down the heifer to an *uncultivated field...*

וידחתון חכימי קרתא ההוא ית עיגלתא לחקל בייר ...

Onkelos and Neofiti also translate איתן as בייר, *uncultivated*. This translation is almost certainly part of the targumic tradition. It agrees with the anonymous opinion in Midrash Tannaim (p.

¹⁵⁰ Almost certainly an abbreviation of the more frequent "My people, children of Israel", which FT also uses at the beginning of this verse.

¹⁵¹ See comments above, to Numbers 28,2.

124) that the area to which the calf is to be taken is uncultivated (בוֹר) rather than “rough” (קֶשֶׁה) which is the opinion of M. Sotah 9,5 and Sifrei Deuteronomy 207 (p.242). This is a discussion about the meaning of the Hebrew word אֵיתָן¹⁵²; *uncultivated* conveys the biblical **which may be neither ploughed nor sown**. Since M. Sotah 9,5 states that even if the area is not אֵיתָן it may still be used, PsY may consider it appropriate to remain within the targumic tradition.

PsY may however have felt that *field* (חֲקִיל) rather than *valley* (נַחַל) was a more suitable noun to follow *uncultivated* and hence he may have deliberately been improving the targumic tradition. He may have been aware of Y. Sotah 9,5 (23d) which states in the name of R. Shimeon bar Yohai that even if the area is not a valley, it is still acceptable. PsY’s use of *field* may be problematic but is an exegetical, rather than an halachic comment, that needs to be considered within the context of the targumic traditions.

The anonymous opinion in Midrash Tannaim may have been aware of the targumic tradition.

Deuteronomy 21,12:

And you shall bring her into your house and she shall shave her head and do her nails.

PsY: ...and *trim* her nails.

וְתַעֲלִינָהּ לָנוּ בֵּיתְךָ וְתִכְפֹּר יָת מִזֵּיָּא דְרִישָׁה וְתִצְמִי יָת מִזְפְּרִיָּהּ.

PsY agrees with R. Eliezer in Sifrei Deuteronomy 212 (p.245) against R. Akiva who understands **do her nails** as “growing her nails”. PsY’s opinion is also found in the Vulgate, Peshitta, Septuagint and Philo, and is thus a targumic tradition.

Deuteronomy 22,24:

And you shall bring them both out to the gate (שַׁעַר) of that city and you shall stone them with stones and they shall die, the girl because she did not cry out in the city, and the man because he humbled his neighbour's wife, and you shall put away the evil from your midst.

PsY: to the gate of *the Bet Din* of that city.

...לְתַרְעָ בִּי דִינָא דְבִקְרָתָא הָהִיא...

¹⁵² M. Sotah 9,5- קֶשֶׁה *even if not* אֵיתָן *is suitable*.

In Deuteronomy 25,7 and 17,5 PsY, Onkelos and Neofiti all translate שער as *the gate of the Bet Din*. PsY and Neofiti do the same in this verse, whilst Onkelos translates literally as *the gate of the city*.

Rashi, who is presumably unaware of the concept of targumic tradition, criticises Onkelos' translation on 17,5; he prefers the gate of the city where the offence took place. It is possible that the text of Onkelos was amended to avoid this criticism and that somehow the printed editions preserve unamended *the gate of the Bet Din* in 17,5 and 25,7 but the amended *gate of the city* here.

Deuteronomy 23,25-26:

When you come into your neighbour's vineyard, then you may eat grapes to satiate yourself, but you shall not put them into a vessel. When you come into your neighbour's standing corn, you may pluck ears with your hand but you shall not wave (a sickle) upon your neighbour's standing corn.

PsY: **When you come to take a reward as a worker into your neighbour's vineyard...When you come to take a reward as a worker into your neighbour's standing corn.**

ארום תיעול למיסב אגרא כפועל בכרמא דחברך... ארום תיעולו למיסב אגרא כפעל בקמתא דחברך.

Onkelos also understands these verses in terms of somebody who is trading or perhaps in some way benefiting (תגר) from their neighbour's produce, although he does not specifically limit the case to a worker as PsY does. Neofiti considers the verse to refer to a field worker. Midrash Tannaim also understands the verse this way. PsY is possibly following a targumic tradition, although R. Eliezer Hisma in Sifrei Deuteronomy 266 (p.286) also seems to limit the verse to workers. The locus classicus for the rule that workers may eat the fruit of the field is M.Baba Mezia 7,2. The passage cites the Pentateuch in general terms but does not explicitly refer to this verse. PsY may have felt that the comment in the Mishnah supported his use of targumic tradition here.

Deuteronomy 24,6:

You shall not take the mill or upper millstone as a pledge, for he pledges a life.

PsY: *A man shall not take the mill or upper millstone as a pledge because he takes as a pledge necessities through which food is made for every soul and a man shall not bewitch a*

bridegroom and bride through sorcery, because he injures the life that will in future emanate from them.

לא ימשכן גבר ריחיא וריכבא ארום צורכי דבהון מתעביד מזון לכל נפשא הוא ממשכן ולא יהוי
גבר אסר חתנין וכלין בחרשין ארום נפשא דעתיד למיפק מנהון הוא מהבל.

The association of this verse with a prohibition against putting a newly married couple under a spell is found also in Targum Neofiti and the Fragmentary Targum. Genesis Rabbah 20,7 cites this verse to restrict a husband's authority over his wife. The metaphor of the upper and lower millstone to illustrate procreation is alluded to in Job 34, 10.

Since this comment is so widely found in the Palestinian Targumim, we can surmise that there was a widely known exegetical tradition, of which the Meturgeman's audience was aware, that this verse referred to marriage and the act of procreation. The verse follows the requirement for a newly wed husband to be exempt from military service and other financial obligation, so the exegetical basis is obvious.

PsY offers a double translation, first explaining why millstones must not be taken as a pledge, and then prohibiting the cursing of newly weds. Perhaps the Targumim are using this verse to prohibit what could have been blackmail through witchcraft aimed at the newly married or adolescent children of debtors.

Deuteronomy 25,7:

And if the man does not like to take his brother's wife, then his brother's wife shall go up to the gate, to the elders and she shall say "My husband's brother refuses to establish a name for his brother in Israel, he has not consented to marry me as a husband's brother".

PsY: ...then his brother's wife shall go up to the gate *of the Bet Din*...

...ותיסק יבימתיה לתרע...

As in Deuteronomy 22,24 (page 111) PsY translates the gate as the *gate of the Bet Din*, in accordance with the targumic tradition.

Deuteronomy 25,8:

And the elders of his city will call to him and speak to him. And he will stand and say "I do not wish to take her."

PsY: ...And he will stand *in the Bet Din* and say...

...ויקום בבי דינא ויימר...

The reference to the Bet Din follows on from the previous verse, Deuteronomy 25,7, which we have just discussed. This leads us to require three judges. M. Yevamot 12,1 specifies three judges for the halitza ceremony. PsY is therefore able to find support for the targumic tradition within the sources.

Although it is related (M. Yevamot 12,5) that R. Akiva accepted as valid a halitza ceremony performed without witnesses, it seems from the context that this was as a result of external pressure, possibly the Roman ban on Jewish religious ceremonies. R. Akiva's action does not override the normative requirement for three judges.

Deuteronomy 25,13:

You shall not have in your purse a stone and a stone, large and small.

PsY: You shall not have in your case weights *that deceive*, large weights *that you sell with* and small weights *to buy with*.

לא יהיו לכון בגרתיקון מתקלין דנכיל מתקלין רברבין למהוי זבין בהון ומתקלין זעירין למהוי מוזבין בהון.

Here PsY seems to explain why it is fraudulent to carry unstandardised weights, even though the reason seems to be self-evident. PsY is conforming to a targumic tradition. FT and Neofiti both contain the comments *weights that you sell with* and *weights to buy with*, although FT reverses the order (thereby disagreeing with the biblical text; so that it may be a scribal error), whilst Neofiti uses different verbs. Nevertheless there is enough similarity between all three to suggest a targumic tradition. PsY is the only one of the three to contain the comment *weights that deceive*; as a result the two occurrences of **stones** in the Hebrew become three occurrences of **weights** in PsY. FT and Onkelos both use **weights** twice and Neofiti four times, which indicates that, even if there is evidence of a targumic tradition operating upon this verse, each Targum has modified the tradition in a different way.

Deuteronomy 26,3:

And you shall come to the priest who will be in those days and you will say to him "I declare today to the Lord Your God that I have come to the land which the Lord has sworn to our fathers to give to us".

PsY: And you *shall adorn yourselves with baskets and palm baskets and decoration and shall come to the priest who shall be appointed as High Priest in those days.*

ותעטרון בכלי' וציני' ופיפוריא ותיעלון לות כהנא די יהוי ממני לכהן רב ביומיא האינון...

Neofiti and FT also interpolate *who shall be appointed as High Priest*. This is a targumic tradition which is consistent with the apparent meaning of the verse. It is also known to Philo. Onkelos does not contain it, but we would expect this, since it is an interpolation rather than a translation of **the priest**. It may result from the use of the particular in the phrase **the priest who will be in those days**. If any priest were intended one would expect the biblical text to read **the priests** or **a priest**.

Even though the institution of the High Priest is not known to Deuteronomy, there is no reason to suppose that PsY recognised the significance of this, he was almost certainly dealing with what he considered to be a unitary work, and the absence of any reference in Deuteronomy to a High Priest would not have mattered.

The use of adornments and decorations conforms to M. Bikkurim 3,3-5, but the Mishnah contains far more detail.

Red Heifer Tradition

Robert Hayward has discussed at length PsY's treatment of Numbers 19, the rite of the Red Heifer¹⁵³. He notes that PsY contains many similarities to Sifrei Numbers, Sifrei Zuta and Mishnah, yet frequently diverges from these sources. He argues that PsY sees the Red Heifer as a priestly ritual that atoned for Aaron's role in manufacturing the golden calf, and which was given to the deputy (Segan) priest to perform as an assurance that the sin was forgiven¹⁵⁴. He further argues that PsY is aware of, and in agreement with, the rabbinic category of *tebul yom*, and that in so doing he conflicts with the Qumaran Halakhic Letter 4Q. This, according to Hayward "suggests that PJ's statement of an opposing halakah is of potentially very great antiquity¹⁵⁵".

Hayward concludes that PsY cannot be later than the final redaction of Sifra, Sifrei Numbers and Sifrei Zuta "in probably the late fourth century CE. Its many agreements with the rabbinic sources show that it is familiar with debates conducted in the academies, while its specific

¹⁵³ C.J.R. Hayward, "Red Heifer and Golden Calf", pp 9-23.

¹⁵⁴ *ibid.*, pp.30 ff

¹⁵⁵ *ibid.*, p. 27

disagreements with the Sifrei point in the same direction and indicate that the Sifrei was aware of divergent halacha found specifically in PJ¹⁵⁶.

Our research has also identified legal assertions in PsY which the halachic Midrashim argue against¹⁵⁷. We have suggested that PsY was aware of the traditions that influenced the debate in the halachic Midrashim, which does not imply that PsY lived at the time when these debates were taking place. We should not assume that we are in possession of all the written rabbinic texts that may once have existed, let alone oral traditions. The Talmuds often contrast two or more Tannaitic statements, not all of which are known to us from primary sources. Some of the opinions that the halachic Midrashim argue against may well have been preserved orally or in writing for many centuries, even if they are no longer recorded. When PsY suggests a view specifically rejected by one of the halachic Midrashim he may have copied it from an alternative source or tradition, or he may have been aware of a post-Tannaitic debate which contrasted opposing baraitot and perhaps even found against the opinion in the source that we know. PsY's acceptance of a ruling rejected by an halachic Midrash does not necessarily mean that he lived at the time when that Midrash was formulated.

Hayward's conclusions are important in terms of the overall thrust of this thesis. In order to discuss them fully and in a consistent manner, we will discuss PsY's treatment of the Red Heifer here as a unit, even though some of its expansions may more properly belong under another of the headings that we used above. We will refer to Hayward's comments on the Red Heifer as we treat each verse and we will take his findings into account at the end of this section.

Numbers 19.2:

This is the statute of the Torah which the Lord has commanded saying; Speak to the Children of Israel that they shall take for you a perfect red heifer (תמימה) which has no blemish upon it, upon which no yoke has been.

PsY: ... they shall take for you *from the treasure of the temple treasury* a red heifer of two years old which has no blemish upon it nor mark of white hair, which no male has come unto, which has not been troubled with the wearyings of labour, or the bit or strap, and has not been pricked with the spur, goad or thorn, or anything that is similar to the yoke.

¹⁵⁶ *ibid.*, p. 30

ויסבון לך מאפרשות לישכתא תורתא כימקתא ברת תרתין שנין דלית בה מומא ושומא משער
 דוורן דלא סליק עלה דבר ולא אמרהא באובצן עיבדתא ואפסרא וקטרבא ולא אידעצא
 בויקתא וסול וסירתא וכל דדמי לנירא.

Sifrei (Numbers 123) also has the phrase *from the treasure of the temple treasury*. M. Parah 1,1 and Sifrei Numbers (123) record Rabbi Eliezer as ruling that the heifer must be two years old. The sages say three or four years. PsY agrees with Rabbi Eliezer.

Hayward¹⁵⁸ suggests that PsY is aware of the targumic tradition which translates תמימה as שלמה and of T. Parah 1,1 which defines a שלם ox as one aged at least 24 months and a day. He supports this by showing that PsY has omitted the translation of תמימה and substituted *of two years old*. He then argues that by explaining תמימה with reference to the heifer's age, PsY adopts an exegetical base different from Sifrei Numbers which makes the word apply to the heifer's perfect redness. He does not note that irrespective of the absence of a translation of תמימה, the phrase *two years old* is probably a result of PsY following the Mishnah; this, his first comment corresponds to the opening statement in the Mishnah. PsY's statement regarding its redness: *nor mark of white hair* is included in the list of factors which may make it invalid, just as it is in the Mishnah (Parah 2,5). Hayward misses this by translating PsY's דוורן משער as *nor trace of any other (colour of) hair* rather than *nor mark of white hair* which is more likely and which corresponds to Mishnah.

The Mishnah (Parah 2,4) records a dispute as to whether a red heifer which has been mated is permitted. Rabbi Yehuda permits it provided the mating was at the instigation of the bull, but forbids it if the farmer brought them together. The anonymous Mishnah forbids it in both cases.

PsY agrees with the anonymous Mishnah. Yitzhaky sees this as an ancient halacha, but it was still in force at the time of the Mishnah and there is no reason to believe that it was not copied from the Mishnah.

Yet despite the similarities with Mishnah and to some degree with Sifrei Numbers, no known source contains terminology similar to *the wearyings of labour, or the bit or strap, and has not been pricked with the spur, goad or thorn, or anything that is similar to the yoke*. We shall see that PsY's treatment of the Red Heifer differs in some respects to rabbinic literature but we

¹⁵⁷ e.g. Numbers 15,22 (page 92), Deuteronomy 24,5 (page 80), Leviticus 11,32 (page 88), Leviticus 19,24 (page 90).

¹⁵⁸ C.J.R. Hayward, "Red Heifer and Golden Calf," pp. 11-12.

need to collect up his other divergent statements on this theme before suggesting why this may be.

Numbers 19,3:

And you shall give it to Eleazar the priest and he shall bring it outside the camp and slay it before him.

PsY: And you shall give it to Eleazar the *deputy* priest and he shall bring it *alone* outside the camp and he shall arrange round about it an arrangement of fig wood and another priest shall slay it before him across the two organs¹⁵⁹ as other beasts and he will inspect it for the eighteen indications of terefah..

ותתננון יתה לאלעזר סגן כהנא ויהנפך יתה לחודא למברא למשריתא ויסדר הזור הזור לה סדורי
קיסין דתיניא וכהנא אהרן יכוס יתה קדמוי בתרין סימניא ממשאר בעירן ויבדיקניה בתמני
כרי טריפין.

In referring to Eleazar as 'deputy (Segan) priest', PsY seems to be drawing attention to the fact that it was Eleazar who prepared the first red heifer and not Aaron, the high priest, as might have been expected. This conforms with the opening statement on this verse in Sifrei Numbers 123 (p.153): "*The Bible comes to teach about the heifer, that it shall be prepared by the Segan. You know that this is so because Aaron was alive yet Eleazar burnt the heifer. Yet whilst Sifrei Numbers may be prescribing that the deputy priest is always to perform the ritual (it then cites dissenting views), the placing of PsY's interpolation suggests that if he is using Sifrei Numbers it may only be as a means of describing Eleazar. There is no real evidence that PsY's is a halachic prescription that the deputy priest was to always prepare the heifer. Hayward argues that "No explanation is given for the non-involvement of Aaron or Moses; and the expression 'prefect of the priests', well known in rabbinic writings, is found in PJ only in this verse. This means that the Targum is certainly implying and probably stating what other sources rule out, namely, that the Segan was always to be the supervisor of the red heifer ceremony....*¹⁶⁰". But there is no reason why PsY should mention Aaron or Moses; the biblical text does not. We cannot draw conclusions from PsY's silence, nor can we hypothesise that because PsY describes Eleazar as the Segan, he is even implying, let alone stating, that the Segan was always to supervise the ritual.

¹⁵⁹ Literally, "signs".

¹⁶⁰ C.J.R. Hayward, "Red Heifer & Golden Calf", p.15

PsY does follow both Sifrei (loc. cit.) and M. Parah 3,7 in that the calf must be taken out alone.

M. Parah (3,8): *Wood was set in order there, cedarwood and pine and spruce and pieces of smooth fig wood*. There is no evidence for PsY's tradition that fig wood alone was used, but the Mishnah Parah 3,8 records that it was one of four allowable species, the others being cedar wood, pine or spruce.

Hayward considers that the restriction to fig wood alone is significant and is part of the evidence that points to PsY being older, or roughly contemporary with "Sifrei, Tosefta and other texts"¹⁶¹. But PsY may not be excluding the other species of wood, he may be abbreviating Mishnah, retaining what he considered to be the most common case. Nevertheless, although PsY does not completely contradict Mishnah he is not fully consonant with it and we should consider this as another statement which diverges from the rabbinic norm.

PsY's *and another priest shall slay it before him* corresponds to Sifrei (idem) and Sifrei Zuta (19,3), although both sources are vague as to whether it is a priest or a layman who performs the act: *Another slaughters in the sight of Eleazar* (Sifrei Numbers); *Another slaughters, not Eleazar* (Sifrei Zuta). We shall see PsY adopting the same form of words as Sifrei Numbers on 19,5 with reference to the person who burns the heifer.

In B. Hullin (11a) we read that it is not necessary to inspect the Red Heifer for signs of terefah. As with any animal we assume that just as the majority are kosher so too is the one in question. But see above, on Leviticus 11,1, where we saw that it was a Palestinian custom to inspect all meat for the eighteen signs. So too we would expect PsY to require the red heifer to be inspected.

Numbers 19,4:

And Eleazar the priest will take of its blood with his finger and sprinkle of its blood towards the front of the tent of meeting seven times.

PsY: **And Eleazar the priest will take in his priestly garments of its blood with the finger of his right hand and he shall not receive it in a vessel, and sprinkle of its blood to the arrangement of fig wood from (the flask) [the inside], from the centre side, towards the front of the tent with one dipping seven times.**

ויסב אלעזר בכיהוניה מן אדמיה באדבע יד ימיניה ולא יקבלניה במנא וידי לסדורא דקסי תיניא

¹⁶¹ ibid., p.25.

מן לגין מן צטרא דממצא כל קביל אפי משכן זיכנא מאדמא בטיבולא חדא שבע זמנין.

PsY uses the Aramaic cognate of the expression in Sifrei Numbers 123 (p.154) - *in his priestly garments*. PsY has probably not copied this from the corresponding, but differently phrased, ruling in M. Parah 4,1, T.Parah (4,6) or Sifrei Zuta (19,4). These sources say that the priest is to wear his priestly gardens but do not refer to them by the word בִּכְיֵהוּנוּ.

PsY agrees with Sifrei Numbers 123 (p. 154) and R. Shimeon b. Hanina (not, as Hayward states, R. Yose the Galilean who holds the opposing view) in Sifrei Zuta (loc. cit.) in that the blood is not received into a vessel.

In accordance with Jastrow and the authorities that Yitzhaky cites¹⁶² the word לגין (*flask*) should be amended to לגין - *from inside*. This is confirmed by *the centre side*. In the previous verse PsY has Eleazar arranging the wood pyre round about the heifer, it appears from here and the following verse that he is standing alongside the heifer, in the centre of the pyre. Since PsY agrees with Sifrei (Numbers 123) in that no vessel is to be used for collecting the blood, presumably he stands over the heifer and dips his finger into a pool of blood.

If we are to understand with one dipping seven times as meaning that he dips once and sprinkles seven times then this contradicts the Mishnah (Parah 3,9) Sifrei (Numbers 123) and Sifrei Zuta (19,4), which have the priest dipping and sprinkling seven times. However PsY could also be read as meaning one dipping for each sprinkling, seven times. Alternatively, PsY's comment may be influenced by M. Yoma (5, 3-4) which relates of the High Priest And thus he used to count; one, one and one, one and two, one and three...one and seven. According to the Mishnah (loc cit) this means that on the Day of Atonement he sprinkled once upwards and seven times downwards, but the refrain, one and one, one and two...one and seven is repeated four times in the Mishnah and ultimately finds its way into the Yom Kippur liturgy. We can assume it was well known. PsY may be taking advantage of the prescription in M. Parah to allude to the Yom Kippur ritual in much the same way as we saw in Leviticus 19,10 (page 83) or Deuteronomy 19,15 (page 41). PsY does not include this interpolation in Leviticus 16,14 and 16,19 which deal with the Yom Kippur ritual, which suggests that he recognises that the sprinkling in this case is different, but nevertheless wishes to interpolate in a manner which recalls both the regulation in M.Parah and alludes to the similar Yom Kippur ritual.

¹⁶² E. Yitzhaky, The Halacha in Targum Yerushalmi I, p. 445

In any event Hayward's assertions that "PJ rules that the priest immerse his hand once only in the blood and then sprinkle that same blood with seven sprinklings¹⁶³" and "PJ actually records for us an important variant in halakhic practice¹⁶⁴" are perhaps overstated, given the rather unclear phrasing of PsY's interpolation and its similarity to M. Yoma and M. Parah. What is really at issue here is whether we are to consider PsY to be an halachic manual. Clearly any presupposition that this is PsY's intended function will lead to very different conclusions from those which take PsY at face value as first and foremost an expansive biblical translation.

Numbers 19,5:

And he shall burn the heifer in his sight, its skin and its flesh and its blood, with its dung he shall burn.

PsY: And they shall go out from the arrangement, and another priest shall burn the heifer while Eleazar sees...

ויפקון מנו סדורא ויזקד כהן אחרן ית תורתא כד דמי אלעזר...

PsY introduces a third priest who burns the heifer. He thereby throws some light on his comment in the previous verse. *They go out from the arrangement*, presumably means they were standing inside it as indicated in 19,4. PsY is providing a more detailed description of the ceremony, and laying a greater emphasis on the arrangement of the wood than we find elsewhere

PsY's phrase *other priest ... while Eleazar sees* is evocative of Sifrei Numbers 124 "another burns (it) and Eleazar sees".

Numbers 19,6:

And the priest shall take cedar wood and hyssop and scarlet and cast them into the midst of the burning of the heifer.

PsY: And another priest shall take a chopped log of cedar... burning of the heifer and shall increase the fire to multiply the ash.

ויסב כהן אחרן בקעתא דקיסא דגולמיש... יקדתא דתורתא ויסגי דליקתא לאפוש קיטמא

PsY now introduces a fourth priest. Since this is the first time that the Masoretic text speaks of "the Priest" rather than "Eleazar the Priest", PsY presumably considers that it refers to another

¹⁶³ C.J.R. Hayward, "Red Heifer & Golden Calf" p. 17.

¹⁶⁴ *ibid.*, p.17.

priest. Sifrei Numbers 124 applies the next verse **the priest shall wash his clothes** to the person who threw in the wood and hyssop, and therefore also considers this person to be a priest.

The chopped cedar is found in Sifrei Numbers 124 as is the need to add wood to increase the ash. A similar statement is found about increasing the wood in M. Parah 4,4.

Numbers 19,7-8:

And the priest shall wash his clothes, and wash his flesh in water and after he shall come to the camp and the priest shall be unclean until the evening. And he who burns it shall wash his clothes in water and wash his flesh in water and be unclean until the evening.

PsY: **And the priest *that slaughtered the heifer* shall wash his clothes and he shall rinse his flesh...and *that priest* will be unclean *before his immersion* until evening. And the *priest that was engaged in burning it* shall wash his clothes...and he will be unclean *before his immersion* until evening.**

...ויצבע כהנא דינכם ית תורתא ויסחי בישריה...ויהי מכאב כהנא קדם טיבוליה עד רמשא

...וכהנא דמתעסק ביקדתא יצבע לבושו...

Sifrei Numbers 124 considers that the first priest whose clothes are unclean is the one who threw in the hyssop. PsY regards it as the slaughterer. PsY may be disturbed by Sifrei Numbers' comment- if the person who throws wood on the fire requires purification, surely the same must apply to the slaughterer!

Hayward, following Baumgarten¹⁶⁵, suggests that PsY's interpolation *before his immersion* demonstrates that PsY accepted the rabbinic category of *tebul yom*. He reasons that "It is made absolutely clear that he ("that priest") shall be unclean before his immersion. After that he is evidently regarded as clean...the Targum in this way accepts and recognises the rabbinic category of *tebul yom*¹⁶⁶". He then claims that "such a person...does not convey impurity to ordinary food...he is thus "clean" for all ordinary purposes¹⁶⁷".

There are two difficulties with this claim. There is no argument that the priest is unclean before his immersion, the Masoretic text says as much. But PsY retains the phrase **he will be unclean**

¹⁶⁵ J. Baumgarten "The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts" Journal of Jewish Studies, 31 (1980), p.160.

¹⁶⁶ C.J.R.Hayward, "Red Heifer & Golden Calf" p. 20.

¹⁶⁷ *ibid.*, p.20.

until evening. How then can Hayward argue that he is ““clean” for all ordinary purposes”? Secondly, the fact that a person is in a state of *tebul yom* does not mean that he is clean. It means he is in a lesser state of uncleanness. This is important because Hayward uses this claim of *tebul yom* to suggest that PsY is participating in a debate with the Qumran Halachic letter 4Q which states that all four participants- the slaughterer, the one who burns, he who sprinkles and the person who gathers the ash should become pure only at sundown. Hayward considers that the Qumran letter is “clearly a polemic against the very practices prescribed by PJ for the personnel involved in the red heifer ceremony”¹⁶⁸.

But this whole question of *tebul yom* owes more to a red herring than a red heifer. PsY’s interpolation is probably no more than clarification, along similar lines to that which we have seen many times in this study. Since the Masoretic text says **he who burns it shall wash his clothes in water and wash his flesh in water and be unclean until the evening**, one could conceivably imagine that the uncleanness only comes about once he has washed! PsY therefore clarifies that he is unclean *from before his immersion*. This is supported by reference to the other occasions when the Masoretic text uses the phrase **be unclean until evening**, preceded by a reference to washing- whether of clothes, flesh or both¹⁶⁹. Each of those references is set in a passage that discusses impurity, dealing with someone who has carried the corpse of an unclean animal or been in contact with, or suffered from, leprosy. It is quite clear that they are unclean from the moment of contact. In none of those cases does PsY suggest that they are unclean *from before their immersion*- it is obvious. In the case of the red heifer, where it is not at all clear that the person who slaughters or burns the heifer should be unclean (a heifer is after all a ritually clean animal) PsY clarifies that the uncleanness takes hold before their immersion, that is to say from the time they performed the act.

Furthermore, irrespective of the interpolation, there is no conflict with the Qumran text. As we said above, PsY does not consider the priest to be clean immediately after immersion; even were he to be giving a precise halachic ruling on the status of a *tebul yom*, it is clear that such a person is considered to be in a state of uncleanness until sundown¹⁷⁰. Once again Hayward is

¹⁶⁸ *ibid.*, p.26-7.

¹⁶⁹ Leviticus 11,25; 11,28, 11,40 (twice); 15,5; 15,6; 15,7; 15,8; 15,10; 15,11; 15,16; 15,17; 15,21; 15,22; 15,27.

¹⁷⁰ A person in a state of *tebul yom* invalidates the Terumah offering and can convey third grade uncleanness, see M. Tebul Yom 2,2 and 4,1 ff.

reading too much into the halachic material in PsY, it is not a prescriptive halachic manual but an expansive Targum.

Numbers 19,9:

And a man that is clean shall gather up the ashes of the heifer, and lay them up outside the camp in a clean place, and it shall be reserved for the congregation of the children of Israel for a water of sprinkling.

PsY: **And a man -a priest- that is clean shall gather up the ashes of the heifer in an earthenware vessel surrounded with a sealed stopper and he shall divide the ashes into three parts, one he shall place in the chel¹⁷¹, and one on the mount of anointing and one reserved for all the levitical watches.**

ויכנוש גבר כהין דכי ית קטמא דתורתא בקלל דפדר מקף מגופת שייע ויפלג ית קטמא לתלת
חולקין חדא יהיב בהיל וחדא בטוור משחא וחדא בפלג לכל מטרת ליואי ...

The gathering of the ashes by the priest is contradicted in all the sources, which allow it to be gathered by any man. There are now five priests involved. As Yitzhaky notes, Geiger, as on Leviticus 16,27, considers that the ancient halacha, prior to the Sadducee/Pharisee rift was for the priest to perform the whole ceremony and that PsY reflects this. There is a hint of this in the Mishnah. M. Parah 4,4 *its acts are done by day and by a priest* (ומעשיה ביום ובכהן) implies that the priests carry out the entire ritual although the priestly involvement is limited by later commentators¹⁷².

PsY does not translate the words **outside the camp in a clean place** literally. Yitzhaky surmises that therefore PsY assumes the earthenware vessel to be the clean place to which the biblical text refers. In this case PsY would seem to be at odds with the ruling in Mishnah Parah (11,1) that the sealed stopper cannot prevent the contents from being contaminated if the vessel is put in an unclean place. But PsY is simply reflecting the custom as recorded in the Mishnah (loc. cit. & idem 10,3)- the ashes were placed in a sealed vessel. He does not mean that this vessel is the clean place.

The reason why PsY does not literally translate the words **outside the camp in a clean place** is because he instead lists three places, where the ashes are to be deposited. Presumably PsY regards these three places as all being outside the camp. Contrary to that which we noted on

¹⁷¹ An area within the Temple.

Numbers 6,18 (above, page 36), in the case of the Nazirite, PsY here speaks of the Temple and not the Tent of the Meeting. This suggests that he was using an external source which he copied directly from, rather than arriving at his own exegesis based on the biblical text.

PsY agrees with M. Parah 3,11, Sifrei Numbers 124 and T. Parah 3,14 regarding the division of the ashes into three and regarding two of the places where they were deposited. However, he is wholly inconsistent in saying that the third part shall be given to the levitical watches. All three sources quoted above, and Sifrei Zuta (19,9) which differs slightly in its language, clearly indicate that it is given to the “watches”, meaning the priests, not Levites. A possible solution, put forward by Yitzhaky is that PsY regards the Levites as the keepers of the reserved part (and it shall be reserved (למשמרת) for the congregation of the children of Israel). Hayward’s solution is more elegant, PsY having in mind I Chronicles 23,32 where the Levites are referred to as having the responsibility of keeping (משמרת) the charge of the tent of meeting, the sanctuary and the Priests¹⁷³.

Numbers 19,11 and Numbers 19,13:

He that touches the dead, any person's body, shall be unclean for seven days.

Anyone who touches the dead, the body of a man who is dead, and does not purify himself, he has defiled the tabernacle of the Lord and that soul shall be cut off from Israel, for the water of sprinkling was not dashed upon him, he shall be unclean his uncleanness is still upon him.

PsY: (19,11) ...any person's body *even a month old foetus*

דיקרב בשכיבא לכל בר נש ואפילו לילדא בר ירחין

PsY (19,13) **Anyone who touches the dead or a nine month old foetus**

כל די יקרב בשכיבא ובולדא בר תשעה ירחין...

Yitzhaky suggests amending the text of PsY in Numbers 19,11 to a *nine month old foetus*, i.e. a stillborn baby of full term. This is PsY's reading in Numbers 19,13 and in both verses the word month is in the plural.

¹⁷² cf. the commentaries of Bertinoro and Lipman Heller to M. Parah 4,4.

¹⁷³ I wonder why Hayward does not suggest instead Numbers 3, 7-8 where the Levites are also given the משמרת of the congregation and of the Children of Israel.

Numbers 19,14:

This is the law: When a person dies in a tent, anybody who comes into the tent and all which is in the tent shall be unclean seven days.

PsY: ...When a person dies in a tent, *beneath a cover which is spread out* anyone who comes into the tent, *by way of the door and not its side, when its door is open of all which is in the tent even its ground and stones and wood and vessels shall be unclean seven days.*

גבר ארי ימות תחות גננא דפרים כל מאן דעליל למשכנא אירח תרעא ולא מן צדדיה כדפתח
תרעיה מכל דבמשכנא ואפילו קרקעיתיה ואבנוי וקיסוי ומנוי יהי מסאב שובעא יומין.

PsY is almost identical in his phrasing to Sifrei 126 (p. 161) - *anyone who comes into the tent by way of the door is unclean, and is not unclean from any of its sides when it is open.*

Even its ground and stones and wood and vessels -Sifrei Numbers 126 (p. 162) excludes the wood, stones and earth from uncleanness. PsY seems to conflict with Sifrei Numbers. Yitzhaky draws our attention to the Baraita d'Nidah quoted by Nachmanides and Rabbenu Bahye in their commentaries to Genesis 31,35 and published by Horowitz under the name "ancient Tosefta" in which R. Yohanan holds that the dust in which a menstruant walks becomes unclean¹⁷⁴.

PsY is probably providing the literal meaning of **all which is in the tent...** But the fact that PsY contradicts Sifrei 126 suggests that he was using an alternative source, perhaps one which Sifrei Numbers is arguing against.

Numbers 19,16:

And whoever touches, in the open field, someone slain by the sword, or a corpse, or the bone of a person or a grave shall be unclean seven days.

PsY: And whoever touches, in the open field *and not a stillborn in its mother's womb* someone slain by the sword *or the sword that he was slain by* or a whole corpse or even its bones the size of a barleycorn, or the bone of a living person that separated from him or in a grave or its cover stone or frame shall be unclean seven days.

וכל מאן דמקרב על אנפי ברא ולא במיתא דבכריסא דאמיה בקטול סייפא או בסייפא דקטיל ביה
או בשכיבא שלימא ואפילו בגרמיה כשערתא או בגרמא דאינשא חיא דפרש מניה או בקבורתא
וגוללא דופקא יהי מסאב שובעא יומין.

¹⁷⁴ C.M. Horowitz, Tosefta Attika, (Frankfurt, 5649), p.13.

PsY agrees with both Rabbi Ishmael in Sifrei Numbers 127 (p.164) “to exclude the stillborn in its mother’s womb” and R. Akiva- “to include the tomb’s cover stone and frame”. R. Akiva’s view is not in conflict with R. Ishmael but both are cited together in Sifrei to indicate that each applied the verse to different circumstances. PsY has both applications.

The same section of Sifrei also imparts uncleanness to one who has contact with the sword that the corpse was slain by, with one of its bones, provided it was at least the size of a barleycorn, or even with the bone of a living person.

Numbers 19,17:

And for the unclean they shall take from the dust of the burning of the sin offering and they shall put upon it running water in a vessel.

PsY: ...and they shall put upon it water *from a well* in an earthenware vessel.

...ויתן עליו מי מבוע לנו כאן דפחר.

PsY translates according to the literal meaning of the verse that the dust (= ashes) shall have water placed on it. This conflicts with the baraita in Sotah 16b which states that the ashes are sprinkled on the water. However PsY is translating literally and, if he was aware of the baraita in Sotah, he would clearly be setting his function as a translator ahead of any need to transmit a rabbinic ruling.

Sifrei Numbers 128 (p. 165): *Does the Bible speak of well water? Do you say that the Bible speaks of well water, or that it speaks of water that (brings) life to the world*¹⁷⁵? *Although there is no evidence for the matter there is an indication, as it is said And the servants of Isaac dug in the valley and found there a well of living water* (באר מים חיים). (Genesis 26,19). PsY seems to be making use of the quasi-aggadic exegesis in Sifrei Numbers which concludes that the water is to come from a well, since both verses use the Hebrew phrase מים חיים, literally meaning **living water** but associated with a well in Genesis 26,19.

Mishnah Parah 5,5 and Sifrei Numbers 128 (p. 165) allow any vessel to be used. PsY and Neofiti specify an earthenware vessel. This is therefore a targumic tradition, possibly derived from the regulations concerning the Sotah (Numbers 5,17) where an earthenware vessel is specified. Sifrei (loc. cit.) is aware of the parallel, and refutes the derivation that since an earthenware vessel is used in the case of the Sotah, it can likewise be used in the case of the red

¹⁷⁵ H.S Horowitz, Sifrei to the Book of Numbers and Sifrei Zuta, (Jerusalem 1992), notes p. 165, suggests this

heifer. *Since for the Sotah water and dust sanctify, and water and dust sanctify for the heifer, if I learn that for the Sotah all other vessels cannot be substituted for earthenware vessels, is it not the case with the heifer that other vessels cannot be substituted for earthenware vessels?* Conversely Sifrei Numbers 10 (p.16) refutes the suggestion that since in the case of the heifer any vessel can be used then similarly in the case of the Sotah any vessel can be used.

Although PsY seems to be emphasising a specific ruling, and his source has not been preserved, the discussion in two places in Sifrei seems to indicate that this tradition was not unknown.

Although PsY's treatment of the red heifer is expansive, on close analysis we have only found four assertions that differ from the material in Mishnah or Sifrei Numbers. They are:

- 1) that the heifer may not have been subject to *the wearyings of labour, or the bit or strap, and has not been pricked with the spur, goad or thorn, or anything that is similar to the yoke* (19,2).
- 2) That fig-wood is used for the pyre (19,3).
- 3) That one third of the ashes are to be deposited with the Levites (19,9).
- 4) That even the ground and stones in a tent are susceptible to corpse- uncleanness (19,14).

We have also seen that PsY considers that the priests are the only participants in the ritual.

There is no obvious exegetical or translational reason why PsY should include the first of these four statements. Compared with most of the material in PsY, it is a fairly long interpolation, and is a little unusual in that it lists a number of alternative factors all of which invalidate the heifer. It is not unique however, we have already discussed three lists which have a similar character, Numbers 31,22-23 (page 65), Numbers 15,19 (page 61) and Numbers 9,10 (page 79). In each case they are similar to Sifrei Numbers but not identical.

All the verses that contain these lists come from the Book of Numbers. This does not mean that they have anything in common, but it is possible. We have seen that whilst there are many agreements between PsY and Sifrei Numbers, the relationship is by no means as clear as between PsY and Mechilta. The possibility exists that PsY had another midrashic source for the Book of Numbers, which contained many similarities to Sifrei Numbers (as does Sifrei Zuta),

but which was in fact an alternative or supplementary compilation of traditions. This source may have contained all these lists in a form similar to that which PsY uses.

The statement that appears to restrict the pyre to fig wood is slightly puzzling but we have seen a number of occasions where PsY displays an affinity to a ruling in the Mishnah without agreeing with every detail. Sometimes this is because he is following an alternative source¹⁷⁶, at other times he only mentions the most frequent occurrence¹⁷⁷, whilst on other occasions economy of language seems to be the dominant influence¹⁷⁸.

We have explained the exegetical reasons that led PsY to require that one third of the ashes be deposited with the Levites. We have not been able to explain the comment regarding the susceptibility of wood and stones to uncleanness, and suggested that this too indicated that PsY was using an alternative source to Sifrei Numbers.

An alternative but similar source might also account for the fact that PsY seems to regard the red heifer ritual as the exclusive province of the priests. But we should bear in mind the statement from M. Parah 4,4 that we noted above, *its acts are done by day, and by a priest*. PsY may well have based his treatment of the red heifer on this statement, he is certainly not at odds with rabbinic tradition.

The divergent statements that PsY contains do not suggest that he is significantly out of step with rabbinic tradition, and certainly do not allow us to support Hayward's conclusion that PsY cannot be later than Sifrei Numbers, Sifrei Zuta or Sifra. They do indicate that whatever sources PsY used for his work on the Book of Numbers, he was aware of traditions that differed slightly from those known to us and this suggests either that he had a substantially different version of Sifrei Numbers, or that he was aware of an oral or written compilation that we no longer have.

Targum Pseudo Yonatan and Pirkei d'Rabbi Eliezer

Their Relationship.

¹⁷⁶ E.g. Deuteronomy 25,9 (page 78) or Deuteronomy 25,27 (page 77) where PsY is similar but not identical to Mishnah.

¹⁷⁷ E.g. Numbers 15,20 (page 61) where he only mentions the size of the *challa* offering to be deducted in the home, and does not refer at all the offering deducted in the bakery.

¹⁷⁸ E.g. Leviticus 25,29 (page 58) where Mishnah's reference to Joshua is omitted.

As we shall see, there is a widely held view that Pirkei d'Rabbi Eliezer (PRE) and PsY are interrelated. PRE is a "rewritten bible" concentrating primarily on Genesis and the first half of Exodus, but which also discusses aspects of Jonah and Esther. It contains primarily aggadic material and is pseudepigraphic in nature, claiming to be the product of the school of Rabbi Eliezer ben Hyrcanos, a 1st century Tanna. In all probability PRE originated in Palestine sometime after the Muslim conquest¹⁷⁹. It appears to share a number of aggadic elements with PsY.

Clearly language and function set the two works apart from each other, PRE being a Midrash written in Mishnaic Hebrew and PsY an Aramaic Targum. Content is the only yardstick that we can use in comparing them. The contrast between the great number of halachot in PsY and the many fewer which PRE cites is important to our discussion¹⁸⁰. Further insights may be obtained by examining individual halachic statements that may be exclusive to, or contrast between, the two works.

Amongst the first to discuss the relationship between PRE and PsY was Friedlander¹⁸¹ who "inclines to the view that our book (PRE) was one of the sources used by this Targumist (PsY)." Shinan¹⁸² and Splansky¹⁸³ both reach a similar conclusion, Hayward¹⁸⁴ however argues that such claims "under close scrutiny, almost evaporate altogether". Hayward's central point is that if PsY cannot be considered to be dependent upon PRE, then this deals a serious blow to those who support the late dating of PsY. Hayward considers that the mention of the wives of Muhammed in Genesis 21,21 may be the work of a "modernising copyist".¹⁸⁵

¹⁷⁹ As in PsY, PRE's frequent references to Ishmael indicate that he is aware of, and possibly polemicising against, Islam. We cannot of course conclude that the entire work postdates Islam but almost certainly its final redaction, which must have been substantial, takes place following the Islamic conquests of the seventh century. G. Friedlander, *Pirkei de Rabbi Eliezer*, (London, 1916), pp liii-liv brings further evidence of contact with Islam and dates PRE to 810-830.

¹⁸⁰ We must be mindful that PRE is a narrative work dealing with the largely non-legal opening sections of the Pentateuch, whilst PsY is a Targum of the entire Pentateuchal text. We would naturally expect PsY to contain many more halachot than PRE. On the other hand, there is no reason to expect PRE to touch on halacha at all, given the nature of his subject matter. The fact that he does include legal material may indicate that he regarded himself as responsible for transmitting details of actual practice.

¹⁸¹ G. Friedlander, *Pirkei de Rabbi Eliezer*, p. xix.

¹⁸² A. Shinan, *The Aggadah in the Aramaic Translation to the Pentateuch*, (Jerusalem, 1979) Vol. 1, p. 171; Vol. 2, pp. xvi, 356-7.

¹⁸³ D.M. Splansky, *Targum Pseudo Jonathan- its relation to other Targumim, use of Midrashim and Date*, (unpublished dissertation, Cincinnati, 1981), p. 89.

¹⁸⁴ C.J.R. Hayward, "The Date of Targum Pseudo-Jonathan", p. 27.

¹⁸⁵ C.J.R. Hayward, "Pirke de Rabbi Eliezer and Targum Pseudo Jonathan" p. 243. In this later article Hayward

Hayward reaches his conclusion for four alleged reasons, namely that substantial material in PsY is unrepresented in PRE; that traditions found in PRE are lacking in PsY; that a few traditions in PsY find no more than superficial parallels in PRE and that there are only a very few exact parallels between the two works. He concludes that PsY is not dependent on PRE. But Hayward does not account for the much more specific demands made upon a Targumist than on a compiler of Midrash- the Targumist is obliged to treat every biblical word and verse whilst the Midrash is not obliged to replicate any biblical verse in full and can select whichever passages it likes for comment. Nevertheless Hayward demonstrates enough points of difference between the two works to substantiate his conclusion.

However, Shinan in a response to Hayward¹⁸⁶ takes issue with the logic of his conclusion. He argues that Hayward is trying to disprove a relationship between the two works by concentrating on traditions in PRE which do not appear in PsY. Shinan considers this to be 'argumentum ex silencio' from which we can derive no conclusions. He also argues that Hayward is drawing general conclusions from an investigation of only one chapter of PsY, Genesis 27¹⁸⁷, but then argues that even the evidence that Hayward brings can be used to prove dependence rather than the lack of it. Shinan also cites a list of parallels between the two works, published by M. Perez Fernandez¹⁸⁸.

Hayward's response focuses upon this list of Perez Fernandez¹⁸⁹. In a penetrating and incisive analysis he considers each item on Perez Fernandez' list and demonstrates that none of them prove a connection between the two works. He concludes that no clear and unequivocal evidence has been put forward which substantiates the dependence of PsY upon PRE. In other words, he places the burden of proof upon those who wish to show dependence.

Shinan, in his most recent article on¹⁹⁰ the subject, notes that despite a long and notable list of scholars who argued in favour of PsY's dependence on PRE, Y. Heinemann turned the debate on its head by arguing that PsY may have functioned as a source for PRE¹⁹¹. Shinan also notes

considers PsY's exegetical method in detail, and makes some remarkably profound insights

¹⁸⁶ A. Shinan, "Dating Targum Pseudo Jonathan: Some More Comments", Journal of Jewish Studies, 41, (1990) pp 57-61.

¹⁸⁷ Hayward's study of Numbers 19 which we discussed in detail above is open to the same criticism.

¹⁸⁸ M. Perez Fernandez, Los Capítulos de Rabbi Eliezer: version critica, introduccion y notas (Valencia, 1984).

¹⁸⁹ C.J.R. Hayward, "Pirke de Rabbi Eliezer and Targum Pseudo Jonathan".

¹⁹⁰ A. Shinan, "Targum Yonatan UMidrash Pirkei d'Rabbi Eliezer" Te'uda, 11, (1996) pp 231ff.

¹⁹¹ Y. Heinemann, Aggadot v'toldotchen, (Jerusalem, 1971), p. 197.

that Perez Fernandez considers that we cannot conclude a one- sided relationship between the two works¹⁹². There seems to be a mutual connection between PRE and PsY, the two works may have drawn upon each other. Shinan also notes, but pays little attention to, Hayward's position, taking issue with his methodology in much the same way as he did in his earlier article.

Shinan then turns to the question of the structure of PsY. He repeats his view, as we have already noted, that PsY comprises a base Palestinian targumic text, to which a later editor has added PsY's unique interpolations. It is this dual structure of PsY which has given rise to the positions of Heinemann and Perez Fernandez.¹⁹³ The earlier base text did indeed function as a source for PRE, but PsY himself, when adding to this base text, made use of the Midrash.

So the question of dependence between the two works has been long discussed yet remains open. If there is a connection then we would expect to find that the two works had as much halachic material in common as aggadic. The only conditions under which this would not be true are if it were clear that PRE has little or no interest in halacha. Yet as we shall see, PRE is studded with halachic material.

A comparison of the halachic content of each work should throw some light on this debate. It may both help clarify the relationship between the two works, and could help with our task of considering which halachic sources PsY used. If we find a connection between the halachic content of each work, this could also support the argument that PsY made use of PRE for his aggadic material. If on the other hand there is no halachic correspondence we will have to ask how this affects the theory that PsY used PRE as an aggadic source. Could we reasonably hypothesise that he used PRE only for aggadic content but not for halachic?

In using PRE I have relied on both Friedlander and Luria. It has not been felt necessary to make use of manuscripts since we are looking only for a general relationship with PsY, not an in-depth analysis of the content.

Before discussing the halachic relationship between PsY and PRE, we must note some points which may further influence our view as to the interdependency of the two works.

¹⁹² M. Perez Fernandez, Los Capítulos de Rabbi Eliezer, pp. 31-31.

¹⁹³ A. Shinan, "Targum Yonatan UMidrash Pirkei d'Rabbi Eliezer" p. 241.

Evidence against the dependency of PsY on PRE.

As we have seen, most scholars who see a direct relationship between the two works, tend to regard PRE as a source for PsY. But there are a number of features which, far from encouraging the view that PRE is a source for PsY, actually lead us away from that conclusion. Whilst there is not sufficient evidence to argue that PsY is a source for PRE, these features do require us to consider that the view that PsY depends on PRE is open to doubt.

The most noteworthy of these features are:

1. PsY to Genesis 4,8 contains a dispute between Cain and Abel over whether the world is subject to judgement and whether there is a Judge. Vermes¹⁹⁴ sees this discussion as an anti-Sadducee polemic. PRE 43 refers to the same discussion but places it in the mouth of Menasseh, King of Judah. The discussion appears to be so ancient, occurring similarly in Philo¹⁹⁵ and the early Tannaitic Avot d'Rabbi Nathan¹⁹⁶ that we cannot speculate on the specific sources that PRE and PsY used.
2. In PRE 38 Joseph dreams that his brothers are eating the flesh of the tails (אליה) of the sheep. PsY to Genesis 37,2 says that in Joseph's dream the brothers were eating the earlobes and the tails. Maher says that we know of no source for PsY's comment¹⁹⁷.
3. PRE 38 quotes Onkelos to Genesis 45,27 who translates "the spirit of Jacob their father lived" as "the spirit of prophecy rested on Jacob their father"¹⁹⁸. But our versions of Onkelos read "The Holy Spirit rested...". PsY however reads "*and the spirit of prophecy* which had departed from him when they sold Joseph, returned and *rested on Jacob their father*."

¹⁹⁴ G. Vermes, "The Targumic Versions"

¹⁹⁵ Quod Deterius 1,1

¹⁹⁶ Avot d'R. Natan version A, 31

¹⁹⁷ At first sight PRE is drawing one comment out of two that PsY presents. But this comment can also be understood as demonstrating our Targum's dependence on PRE. אליה can mean either "tail" or "earlobe" (see M.E. Richardson (translator), The Hebrew and Aramaic Lexicon of the Old Testament, Vol I, The new Koehler-Baumgartner in English, (Leiden, 1994), s.v. אליה. The authors of the Lexicon give no reason for translating אליה in this way, but it almost certainly means ear in B. Ketubot 5b; (see Rashu loc. cit. and M. Jastrow A Dictionary s.v. אליה). So PsY may be following PRE and, being uncertain of how to translate אליה, includes both possibilities.

¹⁹⁸ Luria sees this comment as a later addition to PRE.

Proto-Onkelos may have contained this comment, which found its way into PsY but was dropped from a later redaction of Onkelos. Alternatively we can postulate that PRE is quoting PsY but referring to him as Onkelos.

4. PsY to Numbers 33,4 and Exodus 12,12 - which refer to God “carrying out judgement on the Egyptian idols” is more expansive than PRE 48 on the manner in which the idols were destroyed.

PsY to Exodus 12,12 reads: ...**I will execute *four* judgements on all the idols of Egypt, the molten idols will be melted, the idols of stone will be smashed, the idols of clay will be reduced to sherds and the idols of wood will be reduced to ashes....** A similar interpolation is found in PsY to Numbers 33,4.

PRE has: He cast down all the idols of their abominations, and they were broken as it is said **Upon their gods also the Lord executed judgement** (Numbers 33,4).

PsY seems to be drawing on Mechilta Pisha, 7 (p. 24). PRE may be drawing on the same source but has decided to dispense with the detail. Otherwise he makes this comment for unconnected reasons.

5. PsY to Genesis 34,11 quotes a long oration by Simeon and Levi justifying their slaughter of the inhabitants of Shechem- so that Shechem could not boast that Dinah was a harlot who had no avenger. Similar traditions are found in Neofiti and the Fragmentary Targums. Maher¹⁹⁹ says that this has no parallel in rabbinic tradition. But PRE 38 uses Genesis 34,11 as a proof text - without the oration- to substantiate the idea that Simeon and Levi were consumed by zealotry over the idea that their sister may be accused of harlotry. PsY is clearly drawing on a common aggadic tradition rather than on PRE. But PRE may also be basing his comments on this tradition, or indeed abridging PsY.

6. Both PRE 48 and PsY to Exodus 13,17 note that the Ephraimites left Egypt before the allotted time and were wiped out in battle in the wilderness. However PsY is more expansive than PRE and clearly draws on sources other than PRE. If one of PsY's sources is a known aggadic tradition then it is reasonable to assume that PRE also drew on this. Shinan also reaches this conclusion.²⁰⁰ But PRE may be abridging PsY.

¹⁹⁹ M. Maher, Aramaic Bible Vol. 1B, p119, n.12.

²⁰⁰ A. Shinan, Targum V'Aggada Bo, p181, n.51.

7. PsY to Genesis 28,10 opens with a proem listing the miracles which occurred to Jacob at Bethel. This appears to be an edited version of the material contained in PRE 35 and 36. At first sight this is evidence that PsY drew on PRE. However the proem appears in a more substantial form in Neofiti and four Fragmentary Targum manuscripts²⁰¹. The miracles are also mentioned in other rabbinic sources although not necessarily together. It is probable that here PsY is drawing on the shared aggadic targumic tradition which Shinan sees as central to an understanding of PsY²⁰². Any connection between PsY and PRE's account is as tenuous as it is with any other non-targumic source that cites these legends. Perhaps PRE also knew the shared targumic tradition.

8. PRE 18 cites a sequence of proof texts which demonstrate that the Holy One created seven firmaments, seven lands, seven seas and seven deserts. From each group of seven He chose one for a special purpose. Four proof texts are cited, two from Psalm 63 and two from Deuteronomy. The Targum to Psalm 63 also has the traditions cited in PRE. PsY to Deuteronomy understands the sea in Deuteronomy 33,23 to be Ginossar as does PRE. Unlike PRE, he does not specify that the land in Deuteronomy 11,12 refers to Israel but this is clear from the biblical context. Friedlander's text of PRE has Isaiah 38,11 alongside Deuteronomy 11,12, as an alternative proof. Targum Jonathan to Isaiah interprets this verse in the same way as PRE.

This may indicate that the compiler of PRE collected exegetical traditions from a number of targumic sources.

In conclusion there seems to be evidence that PRE and PsY draw on common traditions. There are instances where PsY seems to know more of the common tradition than PRE and of course there are numerous occasions, which we have not listed, in which PsY chooses to interpret a verse differently from PRE.

It is now time to turn to the halachot in PRE. Do we find a similar relationship between the halachic elements here and in PsY? If we do find a similar relationship this will oblige us to extend our theory of common aggadic traditions to include halachic traditions as well.

²⁰¹ Paris BN Fragmentary Targum Manuscript; Vatican Library Fragmentary Targum Manuscript; Nurnberg Fragmentary Targum Manuscript, Fragmentary Targum Leipzig Manuscript.

²⁰² See A. Shinan, *Targum V'Aggada Bo*, p 20-34 for a discussion of the shared aggadic traditions and pp 82-85 for a discussion on the proem to Genesis 28,10.

If we do not find common halachic traditions, this raises further questions. Why should two roughly contemporaneous works demonstrate a relationship in their aggadic elements but not in halacha? It is clear from our knowledge of rabbinic literature that aggada and halacha are interwoven, the Talmuds in particular show virtually no seams as they move from one to the other. Even the earliest dedicated aggadic works such as Leviticus Rabbah, Lamentations Rabbah and Genesis Rabbah contain halachic elements,²⁰³ so we would expect two works deriving from a common source or tradition to correspond in halacha as well as aggada. Otherwise we would have a seemingly artificial distinction between the two components which would appear to be contrary to the literary trend.

There appears to be no comprehensive list or systematic discussion of the halachot in PRE. I have therefore attached as an appendix a list of the forty one halachot which I have been able to identify in PRE, together with short discussions. Of these, fourteen appear to be non-standard, in that they have not been attested in any known source. I have then considered how PsY deals with the subjects that they raise and compared PsY with PRE to see whether we can discover any mutual halachic concerns or treatments.

Comparison Of The Legal Material In PsY And PRE

The comparison in Appendix II between PRE's halachot and those in PsY do not indicate any significant common elements, although there is some common interest in the quorum of ten men. Both PsY and PRE require a quorum on occasions where the known sources are silent- PRE for circumcision and halitza, PsY in order to eat the paschal sacrifice. On the other hand, PsY preserves a far greater sympathy for proselytism, and proselytes, than PRE. They both require a clean bird to have a projecting toe, but so does the Mishnah. They also both encourage seven day wedding feasts. But we have found no significant parallels in terminology or content.

PRE does contain a much higher proportion of unattested halachot than PsY. This imbalance is exaggerated even more when we consider that PRE in total contains many less halachot than PsY. Fourteen of his forty one halachot may be unattested- an astonishing 33%. PsY on the

²⁰³ E.g., Genesis.Rabbah 3,6; 7,2; 7,4. Leviticus.Rabbah. 7,3; 34,3.

other hand has no more than ten²⁰⁴ unattested halachot out of a total of well over five hundred! Although this causes problems in understanding the origins of PRE, it shows how firmly PsY is rooted in the rabbinic corpus²⁰⁵.

These findings lend considerable support to Hayward's view that the two works are broadly unconnected, the parallels are few and superficial and most material is present only in one work. PRE and PsY are fundamentally different texts, fulfilling different purposes and, as far as one can tell, have no common agenda other than the propagation of biblical narrative and some of the later interpretation.

However this is not incompatible with Shinan's thesis that common Palestinian aggadic traditions occur in PsY and the suggestion made earlier that PRE also made use of these²⁰⁶. There is no evidence that PsY and PRE shared a common outlook on religious praxis, indeed there is a greater willingness on PsY's part to use non-canonical texts such as the Halachic Midrashim. Although PRE has many more unattested sources than PsY, where he does conform to rabbinic literature, he invariably follows the Mishnah or Talmud. This is possibly a result of later editors "standardising" the text.

It is more likely that PRE and PsY each have a different relationship with the halachic process. PRE is in the main more conventional, whilst preserving unattested rulings whose origins we can only speculate about. PsY on the other hand draws far more fully and freely on the full range of tannaitic literature. The similarities between PRE and PsY in aggadic matters are such that it raises the question, how can they be so different in respect of their relationship to the halachic process? It seems clear that PsY did not use PRE as an halachic source, and this reinforces Hayward's conclusion that he did not make use of PRE at all.

Yet we cannot discount the aggadic similarities. There are too many themes that occur in PsY and PRE which do not figure prominently in mainstream rabbinic tradition, yet which do occur in the Pseudepigraphica. Friedlander²⁰⁷ lists scores of similarities between PRE and works such

²⁰⁴ See below, p. 167 ff.

²⁰⁵ Of the two works, PRE has played a much greater role in mainstream Jewish literature and was clearly known to a large number of halachists and codifiers. In such circumstances one would have expected to see attempts to amend PRE to fit the known halachic sources and perhaps a greater use of PRE itself as an halachic authority. It would seem that the unattested halachot in PRE have been treated in much the same way as those few found in other midrashic works- as amusing deviations to be tolerated rather than investigated.

²⁰⁶ Above, page 130

²⁰⁷ G. Friedlander, Pirkei d'Rabbi Eliczer, pp xxi- liii.

as the books of Enoch, Testament of the Twelve Patriarchs, the Book of Adam and Eve, Baruch and Jubilees. Even a cursory glance at this list reveals motifs also found in PsY. It seems probable that, notwithstanding the lack of halachic congruence, the authors of PsY and PRE shared common influences, perhaps even emanating from the same school of thought and possibly even sharing a wish to popularise some of the legends from the Pseudepigrapha which had not found their way into rabbinic literature. All we can say is that a comparison of the halachic material does not assist in enlightening us.

MATERIAL THAT DOES NOT SHOW AN AFFINITY WITH KNOWN TRADITIONS, BUT THAT IS ATTRIBUTABLE TO THE TARGUMIST'S INDEPENDENT REASONING.

It is clear that PsY is concerned to do more than simply translate in a way which remains as close as possible to the literal meaning of the original text. In this chapter we shall consider those translations where he appears to have used his independent reasoning, rather than rabbinic sources, although many of the verses we shall discuss also contain additional remarks drawn from rabbinic sources. It may be that he only derives comments independently if he finds the sources inadequate.

We shall begin the chapter with a short illustration of literal translations. We will then use the three subdivisions with which we began the last chapter and in the same order. Again we will see considerable overlap between the categories, which should be treated merely as indications of technique rather than hard and fast alternative methods of translation.

Once again we shall commence each sub-heading with a few paradigms, before discussing other material of relevance in the order in which it appears in the Masoretic Text. Some of the techniques that we will illustrate in our paradigms are similar to those discussed in the previous chapter, but are worthy of further illustration here since they indicate that PsY operates within fairly consistent parameters when deciding when an expansion is necessary.

Literal Translations

Generally the legal material in the Torah calls out for explanation and this provides tremendous opportunity for an expansive Targum to comment. It should not surprise us therefore to discover that there are relatively few halachic statements in PsY which comprise nothing more than a word for word straight translation from the original Hebrew.

Chapters 21 and 22 of Exodus, with the first 19 verses of 23, comprise one of the most concentrated legal sections in the whole Pentateuch. Only 21,35; 22,15; 22,21; 22,25; and 23,14-17 are translated without the addition of any clarifying word, interpretative remark or adherence to a targumic tradition.

Similarly, of the 26 verses in Deuteronomy 23, which also contain much diverse legal material, only verse 21 is free of exegetical or clarifying material or targumic traditions²⁰⁸. Leviticus 19 which is also rich in a variety of legal material, contains proportionately more verses in which PsY does nothing more than translate the Hebrew, of the 36 verses²⁰⁹ 2, 6, 7, 15, 22 and 37 fall into this category.

Nevertheless there are many verses where PsY's expansions do not have any halachic significance.²¹⁰ The interpolations may simply be a matter of style of translation.

We have therefore not listed all the literal translations, or those which are so nearly literal that they have no effect on the legal sense of the verse.

Clarification of the Text

As discussed in the Introduction, we shall now turn to those passages which lack clarity, or at very least passages that PsY feels would be better understood with a degree of explanation or clarification. He clarifies these biblical passages in a way which provides, in his opinion, the most appropriate translation or inference of the text.

We illustrated four paradigms when we discussed PsY's use of rabbinic sources to clarify the meaning of a biblical passage. We will now look at other paradigmatic examples of PsY clarifying the biblical text:

Exodus 13,14:

Our first paradigm is of PsY emphasising the subject under discussion in a biblical verse, in a case which could be considered to be unclear. He is aware of a rabbinic tradition that relocates the context of following verse:

²⁰⁸ At first sight, 23,11 is a literal translation but the Hebrew singular כָּךְ is translated in the plural.

²⁰⁹ Excluding 19,1 And the Lord spoke to Moses saying.

²¹⁰ E.g. Leviticus 5,17: And a person (נִפְשׁ) who sins and does one of the commandments of the Lord which should not be done, and he does not know and transgresses, he shall bear his sin.

PsY: And *a man* (בֶּר נִיֵּשׁ) who sins and does one of the commandments of the Lord which should not be done, and he does not know and transgresses, he shall bear his sin.

PsY's interpolation is translative only. He regularly translates נִפְשׁ as בֶּר נִיֵּשׁ. Cf M. Maher, The Aramaic Bible, Vol 3, p. 119, para 24.

And it shall be when your son shall ask you tomorrow saying “what is this?” that you shall say to him: With a strong hand the Lord brought us out from Egypt, from the house of slavery.

PsY: ...saying “*what is this commandment of the firstborn*”.

ויהי ארום ישיילינך ברך מחר למימר מה דא מצוותא דבכורייא...

This too is probably not intended as a legal statement. It is designed to clarify the meaning of the verse. PsY may feel the need to stipulate that **what is this** refers to the commandment of the firstborn because he was aware that Mechilta Pischa 18 (p. 73) understands it to refer to the paschal sacrifice or the later Seder service. Mechilta’s exegesis finds its way into the Passover Haggadah. Irrespective of the use that we have seen him make of Mechilta, PsY may feel that it is more important to retain the context of the biblical passage by relating the son’s question to the commandment to redeem the firstborn.

Deuteronomy 18,1:

PsY also clarifies apparent inconsistencies in the Masoretic text:

The priests the Levites, any of the tribe of Levi, shall not have a portion or inheritance with Israel. They shall eat the fire offerings of the Lord and His inheritance.

PsY: The priests *that are* of the tribe of Levi shall not have.

לא יהי לכהניא דמן שבט לוי...

The verse seems to equate the priests with the Levites, which calls for an explanation. PsY does this by omitting the reference to Levites from the verse, and applying the regulation to the priests only. This disagrees with the discussion in Midrash Tannaim which applies the verse to all the Levites. It appears to be PsY’s own exegesis, based on the fact that the verse entitles them to eat of the fire offerings, which is a privilege restricted to the Priests.

Leviticus 21, 22:

At times PsY explains an unclear meaning by stressing a part of speech that imparts significant meaning but which might otherwise have been overlooked:

The bread of his God, both from the most holy and from the holy may he eat.

PsY: *However, what remains of the bread of his God, that which remains of the most holy and of the holy...*

ברם מותר קרבניא דאלקיה מה דמשתיר מן קדשי קודשיא...

PsY explains why the verse uses the preposition “from”. One might have expected the Hebrew text to have read “he may eat the most holy and the holy.” Whatever the priests may eat, it can only be that which remains after the sacrificial portions have been offered; that is they eat **from** it. Indeed the previous verse (Leviticus 21,21)...**he has a blemish, he shall not draw near to offer the bread of his God**, makes it clear that this verse is talking about a case in which the sacrifices have already been offered. PsY is drawing out the meaning of a preposition in the text.

Yitzhaky²¹¹ holds that the context of the verse indicates that a priest with a blemish is not apportioned a share of the sacrifices but can only eat the remains. This would contradict M. Zevahim 12,1. He understands PsY’s use of מותר - *remains* to mean that which is left after the sacrifice has been shared out. There seems little justification for this view; PsY is functioning as a translator. The term מותר does not seem to have any technical or halachic significance.

Deuteronomy 16,3:

There are times when it is not clear what the biblical text refers to. Here, PsY provides a solution:

You shall eat no leavened bread with it (עליו), seven days you shall eat unleavened bread with it (עליו), the bread of the poor, for you came out of the Land of Egypt in haste, in order that you may remember the day of your coming out of Egypt all the days of your life.

PsY: **You shall eat no leavened bread *on the paschal lamb*, seven days you shall eat unleavened bread *on its account*.**

לא תיכלון על פסחא חמיע שובעא יומין תיכלון לשמיה פטיר...

The repetition of **with it** (עליו) in the second clause is problematic. In the first clause it clearly refers to the paschal sacrifice, but this is only offered on the first night. Hence PsY provides an interpretation for the second clause, *on its account*. PsY seems to argue that matza must be eaten after the first day as a consequence of the sacrifice that had been offered on the first evening, perhaps even with that sacrifice in mind. This interpretation is superficially similar to a discussion in Y. Succah. 1,2 (52b) between the schools of Hillel and Shammai over whether matza has to be baked with the festival in mind. But since PsY speaks of eating not baking, it is

²¹¹ E. Yitzhaky The Halacha in Targum Yerushalmi I, p. 287.

unlikely that he is reproducing this discussion. He is clarifying the second occurrence of עליו, which might otherwise appear problematic.

Leviticus 7.18:

The next example shows PsY filling a hiatus in the text:

And if any of the flesh of the sacrifice of his peace offering be eaten at all on the third day, it shall not be accepted, neither shall it be reckoned unto him that offered it, it is an abhorred thing, and the soul that eats of it shall bear his iniquity.

PsY: ...reckoned unto him *for merit*...

...לא יתחשב ליה לזכו...

PsY adds "for merit" merely to clarify a hiatus in the text- otherwise what would **reckoned unto him** mean? The verse has already stated that the sacrifice **shall not be accepted**, so that the phrase **reckoned unto him** seems to be superfluous. PsY provides a rationale for this phrase and distinguishes it from **it shall not be accepted**.

Deuteronomy 15.2:

He also clarifies ambiguities:

And this is the manner of the release, every creditor shall release that which he has lent to his neighbour, he shall not exact it of his neighbour and his brother, because he has proclaimed a release unto the Lord.

PsY: ... and his brother, *an Israelite*, because *the Bet Din* has proclaimed a release unto the Lord.

...ולא מן אחיו בר ישראל ארום קרא בית דין שמיטתא...

There are two ambiguities in this verse: a) Does **his brother** mean his natural brother or is a looser term? PsY defines it as *an Israelite*. b) The verse says **he has proclaimed** which begs the question, who has proclaimed the Shemitta year? PsY seems to feel obliged to clarify this. Were he merely performing the function of a translator, he could have retained the lack of detail. That he chooses not to indicates that he sees his function at some level as a commentator as well as a translator.

Although there appears to be no evidence from rabbinic literature to support the requirement for a Bet Din to proclaim the Shemitta year, they would be the obvious body to do so²¹².

Leviticus 7,24:

The final paradigm is when PsY defines one or more words:

And the fat of that which dies of itself (נבילה), and the fat of that which is torn (טרפה) may be used for any other service but you shall in no way eat it.

PsY: And the fat of an animal that became unfit at the time of slaughtering, or that was forbidden through disease and the fat of a torn animal may be used for any other service, however the fat of a beast that is ritually fit may be used on the altar but you shall in no way eat it.

ותריב היא דמקלקלא בשעת נכסתא דמיתנבלא במוותנא ותריב היא תבירא אפשר דיתעביד
לכל עיבדתא ברם תריב היא דמכשרא יתסק על מדבהא ומיכל לא תיכל:ניה.

PsY inserts two clarifying remarks. First he defines the Hebrew term נבילה. Then he clarifies that even though it may not be eaten, the fat from ritually fit flesh is included amongst the parts of the animal offered on the altar. Presumably he does this because the Hebrew verse contains technical terms which need explaining and he feels that this provides a good opportunity to summarise the purposes for which fat may and may not be used.

Other translations or expansion in this section that are worthy of comment are listed in biblical sequence:

Exodus 21,19:

If he arises and walks outside on his staff, then he that smote him shall be acquitted, only he shall pay for the loss of his time and shall cause him to be completely healed.

PsY: If he arises from his sickness...

אין יקים ממרעיה...

From his sickness is connected to PsY's comment in the previous verse, Exodus 21,18, which speaks of someone who is injured in a fight and falls to his bed. PsY translates this as *falls sick*.

²¹² Cf Samely's comments regarding PsY's tendency to invoke the Bet Din, above, page 62.

In both verses he is stressing that the context is someone who is seriously wounded in a fight, not just somebody who falls onto a bed.

Leviticus 1.16:

He shall remove its craw with its contents and he shall throw it at the east side of the altar, at the place of the ashes.

PsY: at the place *where the ashes are burned*.

...באתר דמוקדין קיטבא.

This appears to be a clarification of **at the place of the ashes**. It conforms with M. Zevahim 6,5 which states, in accordance with the biblical text that the craw is placed on the ashes. Some editions of Onkelos also contain this interpolation, but since other editions conform with Neofiti rather than PsY, we cannot confidently consider that we see the influence of a Targumic tradition in PsY's treatment of this verse.²¹³ We will be safer if we consider this translation to be a product of his independent reasoning.

Leviticus 1.17:

And he shall rend it by its wings but shall not divide and the priest shall make it smoke upon the altar upon the wood which is on the fire, it is a burnt offering, an offering made by fire of sweet savour to the Lord.

PsY- ...he shall not divide *its wings from it*...

לא יפריש גדפוי מניה...

The verb **shall not divide** has no object. One could imagine that the Hebrew implies that the bird itself shall not be divided. We could therefore expect PsY to state **he shall not divide it**... in other words providing the verb with an object. However he seems to go beyond a simple clarification of the meaning of the verb; his remark is both a clarification and a practical injunction based on the likeliest consequence of the verb, since in practice the easiest way of dividing the bird is by removing its wings, PsY stresses that this is not to be done. Perhaps PsY has in mind Abram's division of the animals at the Covenant between the Pieces (Genesis 15,9 ff.). Abram divides all the cattle that he is commanded to offer, but not the birds. Here too PsY may be stressing that not only are birds not to be divided, even their wings are not to be removed.

He does not follow any known rabbinic source in this respect, Sifra Nedavah 9,6 and M. Zevahim 6,5 hold that even if he did divide the wings, the bird would still be acceptable for sacrifice. PsY's addition does not contradict this, but he does not consider this ruling necessary to explain the most likely consequence of the verse.

Leviticus 7,16:

But if the sacrifice of his offering be a vow or a freewill offering, it shall be eaten on the day that he offers his sacrifice, and on the following day, and that which remains of it shall be eaten.

PsY: and that which remains of it shall be eaten *in the evening*.

... ומה דמשת"ר כניה יתאכל בפניא.

The difficulty with this verse is that the last clause implies that what remains of the sacrifice shall be eaten at a time other than on the day of the sacrifice or the following day. This is not consistent with the ruling in M.Zevahim 5, 7 and Sifra Tzav 12, 11-13 which restrict the time during which they may be eaten to two days and one night. PsY seems to permit eating the sacrifice on two days and two nights, in accordance with the implied meaning of the biblical verse, but against Mishnah and Sifra. However, PsY is doing no more than clarifying the last clause of the verse, irrespective of the halacha. He may be relying on a source that we no longer have, but it is more likely that he is giving what he sees as the most obvious inference of the text.

This raises the question of whether or not PsY intends to provide halachic rulings. There are certainly cases where he does seem to wish to clarify, or state, the law. But equally there are cases, such as this, where it is more reasonable to assume that his remark is not designed to fulfil a legal requirement, but to clarify the verse.

Leviticus 15,11:

And all (וכל) which he who has the flux touches, and his hands he has not rinsed in water, and he shall wash his clothes and bathe in water and be unclean until evening.

PsY: And *anything* which he who has the flux touches, and his hands he has not rinsed in water, *shall be unclean, and if it is a man* he shall wash his clothes...

²¹³ See M. Maher, Aramaic Bible Vol. 3, p 124, n. 39 and the sources cited there for a discussion about the reference to burning.

וכל מדעם דיקרב ביה דוכנא וידוי לא שטף במיא יהי מסאב ואין גברא הוה יצבע לבושו.

The biblical text mentions clothes. It is not clear if these are the clothes worn by the flux sufferer, in which case he is the one who has to wash, or whether they are the clothes worn by the person who is touched. The first case is unlikely, the flux sufferer need not wash until he is able to undergo purification. But equally, if the verse is talking of people, it differs from the earlier verses in this chapter in Leviticus which deal with people contaminated directly or indirectly by the flux sufferer. Those verses are introduced by **and a man** (15,5); **he who sits** (15,6) and **he who touches** (15,7 and 15,10). The absence of a personal pronoun in our verse alerts PsY to its possible ambiguity.

The verse begins with the word **וכל**, without any further qualification. PsY understands this to mean *anything*. However, since the second part of the verse can only refer to a person, since only people wear clothes, PsY divides the verse into two parts. Anything -object or person- that the flux suffer touches without rinsing his hands *will be unclean*. He indicates that the subject has returned to people by inserting the words *and if it is a man*, thus making sense of the second part of the verse.

PsY's exegesis differs from that found in Sifra Metzora 4,5. The ruling there is that the flux sufferer remains unclean until he has bathed in the mikveh, and that the purpose of the phrase **his hands he has not rinsed** is to imply that he only defiles an object if he touches it with a part of his body that is normally exposed.

Leviticus 19,27:

You shall not round the corner of your head, and you shall not destroy the corner of your beard.

PsY: ... *you shall not scrape the mark of your beard.*

...ולא תגלכון ית שומת ריקניכון...

The phrase **destroy the corner of your beard** is difficult. PsY is explaining the meaning of the verb. He chooses the word *scrape* both to explain the verb and to conform to rabbinic requirements. The halacha as expressed in Sifra (Kedoshim 6,3) is that shaving with a razor is prohibited, but that cutting the beard with scissors is permitted.

The source noun **פאת** occurs twice in this verse and is translated differently each time by PsY and also by Neofiti (which agrees with PsY on the second occurrence - שומת, *mark*- but not the first). Onkelos retains the Aramaic cognate of **פאת** on both occasions. PsY and Neofiti may

reflect a targumic tradition to replace פאת with שומת, in much the same way as the targumic tradition to Exodus 23,19; 34,26 and Deuteronomy 14,21 replaces the Hebrew phrase **you shall not boil a kid in its mother's milk** (page 19 and page 109). The second occurrence of פאת in our verse is preceded by את, the first is not, this may allow the targumist licence to translate the word differently at each occurrence.

Leviticus 24,2:

Command the Children of Israel that they may take unto you (אלך ויקחו) pure olive oil, beaten, for the lamp, to cause a lamp to burn continually.

PsY: *that they may take from that which is yours...*

...ויסבון מן דילך...

What is the meaning of the Hebrew **they may take unto you** ויקחו אלך? PsY explains in a way which answers a practical question- where do they take the oil from? *Yours* presumably means that which belongs to the Temple, i.e. communal property.

Numbers 30, 11-12:

And if she vows in her husband's house, or binds a bond on herself with an oath. And her husband hears and is silent towards her; he does not disallow her, then all her vows shall stand, and every bond which she binds upon herself shall stand.

PsY: *And if she vows while she is in her husband's house and is not of age²¹⁴, or binds a bond on herself with an oath. And her husband hears and is silent towards her; he does not disallow her, and he dies before she is of age then all her vows shall stand, and every bond which she binds upon herself shall stand. And her father is not entitled once more to annul them.*

ואין עד דהיא בבית בעלה ולא בגרת נדרת או אסרת אבר על נפשה בקומא. וישמע בעלה וישתוק לה ולא בפיל יתה ומית עד דלא בגרת ויתקיימון כל נדרהא וכל איסרי דאסרת על נפשה יתקיימון ולית איבהא זכי בה תוב לבטלותהון.

Sifrei Numbers 154 (p.205): *R. Akiva said this refers to an orphan during her father's life.* This is a puzzling statement and Horowitz²¹⁵ considers whether R. Akiva's opinion can be explained by PsY's interpretation of these verses. PsY is certainly clearer than R. Akiva's

²¹⁴ בגרת - above twelve years and six months, the age of legal responsibility.

²¹⁵ H.S Horowitz, Sifrei Numbers, (Jerusalem 1992), p 205.

opinion in Sifrei Numbers. If the two opinions are connected, either PsY expanded R. Akiva's rather terse statement into a more expansive form, or more probably copied a more detailed report of R. Akiva's view from another source. It is likely however, as Horowitz concludes, that R. Akiva's statement is out of place in Sifrei Numbers, so that there is no connection between Sifrei Numbers and PsY in this case.

The thrust of PsY's interpolations here are to point out that even if a young married girl becomes widowed, her father is not permitted to once again overturn her vows as he was before she married. This may be because verses 7-9 have already dealt with a married woman, so verses 11-12 seem redundant. Verse 10 deals with a widow and divorcee, and so PsY considers the context of these verses to relate to a vow taken by a married minor who becomes a widow before she is of age. PsY probably feels obliged to find a context into which to set our two verses. The Talmuds are strangely silent on these verses and PsY is probably presenting his own reasoning.

Deuteronomy 13,6:

And that prophet, or that dreamer of dreams will be put to death- for he spoke perversion against the Lord your God who brought you out of the land of Egypt and who redeemed you from out of the house of bondage, to draw you aside from the way which the Lord your God commanded you to walk in- so that you shall remove the evil from your midst.

PsY: And that *false* prophet, or that dreams *rebellious* dreams ...

ונבי שקרא יהוה או הלים חילמא ודנא יהוה יתקטל בסיפא...

The insertions *false* and *rebellious* are for clarity. PsY is stressing that the heretic under discussion is not really a prophet and that his dreams are not prophecies.

Deuteronomy 14,1:

You are children to the Lord your God; you shall not shall not cut yourselves, nor make baldness between your eyes for the dead.

PsY: ...nor *make bald a circle of hair on your forehead* for the dead.

...לא תגודון בישריכון ולא תשורן כליל דיסער על בית אפיכון על נפש דמית.

Make bald a circle of hair on your forehead is PsY's translation of make baldness. There is no evidence of dependence upon the sources here; it appears that he has derived this translation independently, clarifying the odd phrase 'between your eyes'.

Deuteronomy 22,6:

If a bird's nest chances to be before you on the way, in any tree or on the ground, with chicks or eggs, and the mother is sitting on the chicks or on the eggs, you shall not take the mother upon the young.

PsY: ... you shall not take the mother *from upon* the young.

ארום אין אודמן שרכפא דציפר דכי קמד באכרטא... לא תמב אימא מעל בניא.

The Hebrew phrase is difficult and PsY presumably is trying to keep as close as possible to the original Hebrew whilst clarifying what he believes to be the meaning of the phrase.

Deuteronomy 23,13:

And you shall have a place (יד) for yourselves outside the camp, and you shall go out to there.

PsY: And you shall have a *designated* place outside the camp ...

ואתר מוזמן יהוי לך מברא למשריתא ...

Designated place is probably what PsY considers to be the most appropriate translation of יד, literally "a hand".

Deuteronomy 23,15:

For the Lord your God walks in the midst of your camp, to deliver you and to place your enemies before you; and your camp shall be holy and He shall see no unseemly thing amongst you, and turn from behind you.

PsY: ...and He shall see no *shameful* thing amongst you ...

...ולא יחמי בבון קלנא דמדעם...

PsY is providing an interpretation of the difficult Hebrew phrase ערות דבר.

Midrash-type and Exegetical Interpretations

In the previous chapter we saw that PsY finds exegetical opportunities when the Masoretic text contains redundant words, unusual grammatical forms or the doubling of verbs. We can see similar exegeses even when he is not using rabbinic sources:

Exodus 12,2:

Our first example is of exegesis as a result of what appear to be superfluous words in the Masoretic Text:

This month shall be for you (לָכֶם) the chief of the months, it is the first for you (לָכֶם) of the months of the year.

PsY: **This month shall be for you *to appoint it* the chief of the months... it is the first for you *for numbering* the months of the year.**

יִרְחָא הָדִין לָכֹן לְמַקְבְּעִיהּ רִישׁ יְרַחִיא וּמְנִיָּה תִּשְׁרוּן לְמַמְנֵי חֲגִיא וּזְמַנִּיא וְתַקּוּפְתָּא קִדְמָאִי
הוּא לָכֹן לְמַנִּין יְרַחִי שְׁתָּא.

The two interpolations derive from the two apparently superfluous occurrences of the word לָכֶם; they can each be understood as being included in order to offer the opportunity to draw new ideas out of the verse. Both PsY's interpolations add sense to the verse and yet fit firmly into the overall rabbinic understanding of the purpose of the verse as found in all the relevant sources.

Numbers 30,15:

The doubling of a verb again offers the opportunity for Midrashic exegesis:

And if her husband, being silent, will be silent towards her from day to day, then he will establish all her vows, or all her bonds which are upon her, he has established them for he was silent towards her on the day that he heard it.

PsY: **And if her husband, being silent, will be silent, *intentionally* towards her...**

וְאִין מִשְׁתַּק יִשְׁתַּק וּמִתְכוּן לָהּ בְּעֵלָהּ ...

The interpolation *intentionally* may be an attempt to explain the doubling of the verb **being silent, will be silent**.

Deuteronomy 14,23:

PsY's exegetical techniques include emphasising what appears to be an insignificant word so as to draw attention to a change in the subject under discussion:

And you shall eat before the Lord your God in the place where He shall choose to make His name dwell, the tithe of your corn, your wine and your oil, and the firstborn of your cattle and your sheep, in order that you shall learn to fear the Lord your God all the days.

PsY: ...The tithe of your corn your wine and your oil, and *also* the firstborn of your cattle and your sheep...

....מעשר עיבוריכון המריכון ומשחכון וכן בכורי תורכון ועניכון...

The insertion of וכן before **firstborn** draws attention to the fact that the subject under discussion has changed from tithes to firstborn offerings. There is no practical consequence, but this shows the exegetical precision that PsY is capable of displaying.

Exodus 22,19:

PsY occasionally uses climatic exegesis whereby the meaning of a word in one climate (in the following case Deuteronomy 13,16) is transferred to the same word in another climate (our verse).

He who sacrifices to the gods, save unto the Lord only shall be utterly destroyed.

PsY: ...*shall be put to death by the sword and his possessions shall be destroyed.*

כל מאן דדבח למיעוות עממיה יתקטל בכייפא ונכסי יתגמרון...

The normative penalty for idolaters is death by stoning, here PsY seems to regard it as death by the sword. Yet in Deuteronomy 17,5 where the biblical text specifies stoning for idolaters, PsY concurs.

Albeck²¹⁶ points out that PsY translates the verb used in the biblical verse יחרם to conform with its obvious meaning in Deuteronomy 13,16 which uses the same verb in respect of the inhabitants of an apostate city. The biblical text explains there that these people are to be put to death by the sword and that their possessions are to be destroyed.

Furthermore, the tradition that the verb in our verse is to be understood in this way is also to be found in Mechilta Bo 12, B. Sanhedrin 60b and Exodus Rabbah 46,1 which cite our verse in the context of the commandment that those who worshipped the Golden Calf were to be killed by the sword.

PsY here functions as a translator by explaining an unusual Hebrew word with reference to its plainly explained meaning elsewhere. He focuses on the verb, not the halacha. He generates his own exegesis from the use of the same verb in Deuteronomy.

²¹⁶ C. Albeck, "Halacha Hitzona", pp. 95-6

PsY seems to be aware of the interpretation of Mechilta and Exodus Rabbah. If, as Shinan holds, he is writing for an educated audience, it may be that they too were aware of these interpretations, and PsY may be attempting to show them its exegetical basis. He is drawing out the meaning of a word rather than importing a regulation that may apply to the verse but which is not implied in the verse.

Leviticus 1,4:

Sometimes PsY seems to adopt particular exegetical conventions:

And he shall lay his hand upon the head of his offering and it shall be accepted for him to make atonement for him.

PsY: **And he shall lay *his right hand strongly*...**

וּסְמוֹךְ בְּתוֹקְפָא ד' יְמִינִיה...

PsY holds that the priest places his right hand on the sacrifice. In Leviticus 16,21 the priest is commanded to lay both his hands on a sacrifice. Sifra Aharei Parasha. 4,4 uses this as a *binyan av*, i.e. every mention of “laying his hand” means both hands. PsY therefore appears to contradict halacha.

But PsY regularly translates an unspecified part of the body as being on the right. He does this in Exodus 21,6 , where **and his master will pierce his ear with the awl** becomes his *right ear*. In Deuteronomy 18,3 **they shall give to the priest the shoulder** becomes the *right shoulder*.

We could argue that he translates an unspecified hand as the right hand since that is what is usually used. Therefore PsY is giving the normal case, he is not laying down halacha but simply noting what is most likely to happen. But we cannot say the same about unspecified ears or shoulders. Therefore it seems more likely that his translation is an exegetical point- unless the text says “left”, we should assume “right”.

Other verses in this category, again listed in biblical order, include:

Leviticus 7,27:

Anybody who eats any blood, that soul shall be cut off from his people.

PsY: **Any *man* who eats any blood of *anything that lives* (מִן דְּכָל חַי)...**

כָּל בָּר נֶשׁ דִּיכּוּל כָּל אָדָם מִן דְּכָל חַי...

PsY interpolates *anything that lives* in order to bring the force of the Hebrew **any blood** (literally **all** (כל) **blood**) to the attention of his audience. The Hebrew could have stated “Anybody who eats blood”, so the additional word **any** is apparently redundant. PsY finds a purpose for this word by treating it as a point of stress, and interpolates a phrase which allows that stress to be noticed by his audience.

It is also possible that PsY is harking back to the Noah narrative, where the Hebrew phrase **כל חי** occurs in the passage introducing the laws given to Noah (Genesis 8,21). One of these laws is the prohibition against eating the blood of a living creature (Genesis 9,4), which was expanded in rabbinic law to include any limb torn from a living creature²¹⁷. PsY therefore connects these two verses in the minds of his audience/readers. Eating blood and eating living flesh are related themes, PsY may have wanted to link them explicitly. He fulfils a dual role as both translator and educator through the insertion of a single short phrase. If this analysis is correct, it does of course imply that PsY was writing for an educated readership, which supports Shinan’s position.

Leviticus 16,21:

And Aaron shall rest his two hands upon the head of the living goat, and confess upon it all the iniquities of the children of Israel, and all their transgressions according to all their sins, and shall put them upon the head of the goat and send it by the hand of a man made ready into the wilderness.

PsY: **And Aaron shall rest his two hands in one arrangement, the right upon the left...**

וְיָסֵמֶךְ אֶהָרֵן יָת תְּרֵתִין דְּוִי בְּסִידְרָא הָדָא יָת יְמִינִיה עַל שְׂמָאלֶיהָ עַל רִישׁ צִפְרָא חַיִּיא...

PsY’s assertion that he rests one hand upon the other conflicts with the halacha as expressed both in Palestinian (T.Menahot 10,12; Sifra, Vayikra 4,2) and Babylonian sources (Yoma 36a). T. Menahot 10,12 specifically states that one hand must not be placed upon another.

Yitzhaky suggests that PsY derives his ruling from the Ketib and Keri. The Ketib is “his hand” יָדוֹ whereas the Keri is “his hands, יָדָיו. PsY harmonises by implying two hands as one. This is quite possible.

One could also argue that, since generally the phrase used is **rest his hand** whereas here it is **rest his two hands**, PsY feels obliged to draw attention to this in an expansive manner.

²¹⁷ B. Sanhedrin 56b ff.

Leviticus 24,2:

Command the Children of Israel that they may take unto you pure olive oil, beaten, for the lamp, to cause a lamp to burn continually (תמיד).

PsY: ...a lamp *to light the lamps continually, on Shabbat and on working days.*

...לאנורה לאדלקא בזמניא תדירא בזמא דשבתא ובזמא דעובדא.

PsY's interpolation *on Shabbat and on working days* is probably derived from the use of Hebrew word תמיד, **continually**. This is also the name of the perpetual offering which was brought every day of the week (Numbers 28,3). PsY is probably making an exegetical point here- תמיד equals *Shabbat and working days*.

Numbers 9,10:

Speak to the children of Israel- A man, any man who is unclean because of a corpse or is far off on the way, of you or your generations, he shall keep the Passover to the Lord.

PsY: *A young man or an old man*

...גבר טלי או גבר סיב...

Yitzhaky cites the occurrences of the Hebrew phrase איש איש- *a man, a man* and notes that in all cases where it is used in a halachic context, with one exception, PsY translates as *a young man* (טלי) *or an old man*, (סיב). The exception is Numbers 5, 12 where he translates it literally. This, says Yitzhaky, is because Numbers 5,12 refers to a married man who suspects his wife of adultery, which would not apply to a minor. In the other cases Yitzhaky sees an exegetical motive for PsY's translation. Whereas Rabbi Akiva (Sifrei Numbers 7) sees the doubling of the word *man* as including women, PsY sees it as referring to both young and old men. But *a young man or an old man*, is also used in Leviticus 20,2 where the subject is the father who gives his son to Molech. This casts doubts on Yitzhaky's explanation of Numbers 5,12. Nevertheless *a young man or an old man*, is a translational feature of PsY, he presumably considers it to be the most appropriate translation of the text.

Numbers 18, 30-31:

And you shall say to them, when you set apart the best from it then it shall be counted to the Levites as the produce of the threshing floor and as the produce of the winepress. And you may eat it in any place, you and your household, for it is a reward to you in exchange for your service in the tent of meeting.

PsY: **And you shall say to them, *to the priests...* And you may eat it- *you the priests.***

וְתִכְלֹן יְתִיב אֹתָן כֹּהֲנִים...

The section from Numbers 18,25 to 18,32 is an ordinance to the Levites to pass on a tenth of the tithes they had received to the priests. Moses is instructed to speak to the Levites in verse 26. In verse 30 the command is repeated, **And you shall say to them**. PsY sees this not as repetition but as a separate command to address the priests only.

But this rendering of the verse gets into difficulties over his understanding of **when you set apart**. If addressed to the priests it makes little sense, since the setting apart is done by the Levites. But although this phrase is problematic, it is clear that PsY deliberately indicates that it is the priests who are being addressed in this verse. He does so for exegetical reasons: not only is this command in verse 30 apparently superfluous but previously the Levites were referred to in the second person, now they are spoken of in the third person.

Deuteronomy 18,3:

And this shall be the priest's due from the people, from them that offer a sacrifice whether it be ox or sheep, that they shall give to the priest the shoulder and the two jaws and the stomach.

PsY: **...they shall give to the priest the *right* shoulder...**

וְיִתְּנוּ לַכֹּהֵן אֶדְרֵעָא דִּמְיִנָּה...

As in Leviticus 1,4 (page 153), the *right* shoulder is specified for exegetical reasons.

Deuteronomy 25,12:

Then you shall cut off her hand, your eye shall have no pity.

PsY: **Then you shall cut off her hand *up to the wrist*, your eye shall have no pity.**

וְתִקְטְעֶנָּה יָדָהּ עַד כַּפָּהּ.

PsY uses **hand up to the wrist** since the biblical text reads כַּפָּה - literally *her palm* rather than יָדָהּ, her hand. This precision may not be halachically necessary, יָדָהּ would have had the same practical consequence, but PsY is informing his readers that the term used in the Hebrew verse is noteworthy.

Yitzhaky comments that, since in Exodus 21,24 PsY translates **an eye for an eye** as *the value of an eye for an eye*, whereas here he makes no mention of compensation, therefore PsY takes this injunction literally. But halachic rulings cannot be deduced from a simple translation. It is

possible that PsY introduces the regulations regarding monetary payment in Exodus 21,24 because it was well known. He is almost obliged to mention it, because it is a significant exegesis in the development of Jewish law. Although the same law for monetary compensation applies in this verse, it is not used as an exegetical tool in the formulation of the law. Therefore he is not under the same compulsion to introduce the regulation, he can simply provide a direct translation.

Descriptions of how the law is applied in practice.

Again we turn to verses where PsY seems to wish to provide the practical details of a regulation, yet does so in a way that seems to have little or no relation to rabbinic tradition:

Exodus 12,46:

We frequently find PsY providing a common-sense translation that makes the text more understandable:

It shall be eaten in one house, you shall not bring any of the flesh out from the house, and you shall not break any bone of it.

PsY: ...you shall not break any bone of it *to eat what is within it.*

...ונרמא לא תתברין ביה בדיל למיכול מה דבנזייה.

This is not drawn from any known source. It provides a practical detail, why would one want to break a bone, other than to eat from it? PsY provides the normal case in order to make the text more easily understandable.

Leviticus 11, 37-38:

He often draws out the implication of a verse by stressing the context in which it is set:

And if any of their carcass fall upon any sowing seed which is to be sown it is clean. But if water be put onto the seed and any of their carcass fall upon it, it is unclean to you.

PsY: ... *in its dry state* it is clean...and any of their carcass fall upon it, *in its damp state* it is unclean to you.

...בנזייה דכי הוא... ויפיל מנבילתהון עלוי ברוטביה מכאב הוא לכוון.

PsY's *in its dry state*, comes about because verse 38 refers to seeds that have come into water. Verse 37 therefore must refer to dry seeds. *In its damp state* means once it has come into contact with water, i.e. once it has been dampened.

PsY's treatment of these two verses is almost certainly an attempt to draw out what is implicit in the text and to clarify a practical detail of the regulation.

Leviticus 6,13:

He demonstrates the unambiguity of particular statements in the Masoretic Text, in this case because of conflicting interpretations in rabbinic literature:

This is the offering of Aaron and of his sons which they shall offer to the Lord on the day of anointing him, a tenth of an ephah of fine flour as a meal offering perpetually, half of it in the morning and half of it in the evening.

PsY: ...on the day of anointing him *to take possession of the high priesthood*.

...ביום דירבון יתיה למזבח כהונה רבתי...

PsY holds that the sacrifice is for the High Priest on the day of his ordination. According to Sifra Tzav 4,6, the High Priest offers it everyday, and the ordinary priests offer it on ordination. Reifman considers PsY to be following the literal meaning of the text here and cites Rashbam who also understands the verse in the same way as PsY²¹⁸.

PsY may wish to stress the apparently unambiguous meaning of the Pentateuchal text because of Sifra's treatment of this verse elsewhere: Sifra Tzav (Parasha 3,4) concludes that the sacrifice is to be brought daily, *from the day of his ordination* whilst Sifra Tzav (Parasha 3,2) applies it to all priests. Neither of these views are apparent in the text. PsY may be emphasising the word **him** (אֵת) in the phrase **on the day of anointing him** precisely because Sifra seems to be so far removed from the intention of the text.

Deuteronomy 16,7:

PsY often rewords the biblical text to give it a more contemporary relevance:

And you shall roast it and eat it in the place which the Lord your God shall choose and you shall turn in the morning and go to your tents.

²¹⁸ Y. Reifmann, "He'arot", p 314: "הוא אך לפי הפשט"

PsY: ...and go to your villages.

...ותתפני בצפרא מיפק חנא ותהך לקרוך.

PsY's uses *your villages* in place of *your tents* since people no longer lived in tents when he wrote. He gives the text contemporary relevance.

Deuteronomy 21,2:

PsY also offers greater practical detail:

Then your elders and your judges shall go out and shall measure to the cities which are round about him that is slain.

PsY: ...and they shall measure *from four triangles* the cities...

...וימשהון מארבע טריגונין ית קרויא...

The sources contain no reference to measurement by triangle, and PsY does not elaborate on this procedure. He may be drawing on a source now lost, or he may be giving the normal case, and incidentally providing evidence of ancient measuring techniques.

Leviticus 18,6:

Sometimes PsY defines his own target word:

No person shall approach a relative to uncover their nakedness, I am the Lord.

PsY: ...to *dishonour their nakedness through intercourse or through displaying nakedness...*

לא תקרבון לבזאה ערייתא בתשמישתא ובפירסומי ערייתא...

Throughout this series of verses (18,6-19) PsY translates *uncover* (גלה) as *dishonour* (בזא)²¹⁹.

This is a subjective verb the practical consequences of which could be interpreted in different ways. This is the first verse in the series, and hence the first occurrence of גלה. PsY justifies his understanding of גלה by defining the meaning of the target verb בזא. This allows him to use the target verb without further qualification throughout the passage. He provides a practical explanation of the circumstances under which the prohibition operates.

Deuteronomy 18,10-11:

At other times he defines the source word:

²¹⁹ In Leviticus 18,7 the verb גלה occurs twice. He translates the first occurrence using the verb בזא but uses גלי, the Aramaic cognate of גלה on the second occasion.

There shall not be found amongst you one who causes his son or daughter to pass through fire, one that uses divination, a soothsayer or enchanter or sorcerer, or that is a charmer of charms, or that asks of a ghost or of a familiar, or one who enquires of the dead.

PsY: ...one that uses divination, *that dazzles the eye*, ...and who charms and bewitches snakes and scorpions or any creeping things, ... or of a bone of a familiar, or one who enquires of the dead.

...לא קבומי קוסמין ולא הרורי עיינין ולא נמורי נחשין ולא הרשין. ומחברין ואברין חיוין ועקרבין
וכל מיני רהשין ושאלין איבא טמיה וגרם ידוע ותבע מן ביתיה.

PsY's phrase *that dazzles the eye* is a translation of the original Hebrew נעוץ, which PsY relates to עין, an eye²²⁰. Both Midrash Tannaim (p.110) and Sifrei Deuteronomy 171 (p.218) derive נעוץ from the same root, but explain the word in a wholly different way and there seems to be no connection with PsY in this case.

The other verses that we will discuss, in biblical order, are:

Exodus 21.36:

Or if it is known that the ox was liable to gore in previous times, and its owner does not guard it, he shall surely pay ox for ox, and the dead shall be his.

PsY ...ox for ox, *and the corpse and the skin shall be his.*

...שלמא ישלם תזרא הולף תזרא ונבילתא ומושכא יהי דיליה.

PsY's source is unknown. PsY is probably therefore providing his own explanation, the Hebrew text says that the ox is his, PsY explains that this includes the hide as well as the body. The distinction between the body and hide of an animal is found in M. Zevahim 12,1, which states that anyone who has no share in the flesh of a sacrificial animal also has no share in the hide. Since the hide had a commercial value, PsY may have felt it important to stress that its ownership was transferred along with the body.

²²⁰ cf M. Jastrow, A Dictionary, s.v. חרורא.

Exodus 22,8:

For any matter of trespass, for an ox, for a donkey, for a sheep, for clothing, for anything lost, when he will say that this is it, the claim of the two of them shall come to the judges²²¹, he whom the judges shall condemn shall pay double to his neighbour.

PsY: ... he will say that this is it, *and when the stolen thing is found after that in the hand of the thief* the claim of the two of them shall come to the judges, *the claim of the householder and the claim of the thief*, he whom the judges shall condemn, *the thief*, shall pay double to his neighbour.

יִמָּר אַחֲרֵם הוּא דִּין וְכֵן מִשְׁתַּכְּחָה גְּנִיבוֹתָא בְּתֵר כֵּן בִּיד גְּנָבָא קִדְּם דִּינִיָּא יוֹעִיל דִּין תְּרוּוּיָהוּם דִּין
מִרְיָה דְּבֵיתָא וְדִין גְּנָבָא וְלִמָּאן דְּמַחֲיִיבִין דִּינִיָּא יִשְׁלַם גְּנָבָא עַל הַד תְּרִין לַחֲבֵרִיָּה.

There is no clear source for PsY's statement that the case should be brought to the judges only when the stolen article is found in the hand of the thief. Indeed the law as codified in M. Baba Kamma 7,1ff. and the corresponding discussions in the Talmud are quite clear that the testimony of two witnesses is sufficient to lay a claim against a suspected thief.

PsY seems to be referring back to Exodus 22,3: **if the stolen thing be found in his hand...he shall pay double.** He may be making use of the common phrase "shall pay double" in 22,3 and 22,8 to create an exegetical link between the verses and to draw the attention of his readers to this. Alternatively he may be filling in a practical detail, basing his interpretation on 22,3.

Exodus 30,19:

And Aaron and his sons shall wash from it, their hands and their feet.

PsY: *Let some of it be taken from it with a ritually pure ladle and Aaron and his sons will sanctify in water their hands and their feet.*

וַיִּסְכּוּן מִנִּיָּה בְּנִטְיָלָא דְּכִיָּא וַיִּקְדְּשׁוּן בְּמוֹהֵי אַהֲרֹן וּבְנָוֵי אֵת יְדֵיהֶוֹן וַיִּתְּ רִיגְלֵיהֶוֹן...

PsY uses the term נטלא for the reasons stated immediately above.

Leviticus 4,3:

If the anointed priest sins so as to bring guilt upon the people (הָעָם לְאַשְׁמַת), he shall offer for his sin which he has sinned an unblemished bull of the cattle to the Lord as a sin offering.

²²¹ The word "judges" both here and in the following phrase can be translated as "God". Both Onkelos and PsY

PsY: ...sins *by offering the guilt offering of the people not according to its regulation...*

אין כהנא רבא דמתרבי במושחא ייחוב במקריביה קרבן חובת עמא דלא כהלכתיה...

PsY replaces so as to bring guilt upon the people with *by offering the guilt offering of the people*, indicating that he views the Hebrew אשמת as referring to the guilt offering rather than the nation's guilt. PsY's remark is not found in any of the sources, which do however introduce a number of other caveats governing the practical application of this law²². He may have considered the reading in the Masoretic text to mean guilt offering rather than guilt or else we should postulate that PsY has a corrupt version of the biblical text which read אשם (guilt offering of) rather than אשמת (guilt of).

Leviticus 6.21:

And an earthenware vessel in which it is boiled shall be broken, and if it is boiled in a brass vessel it shall be scoured and rinsed with water.

PsY: ..shall be broken *in order that the unconsecrated may not be boiled in it and if it is boiled in a brass vessel it shall be scoured with a clod of earth...*

...יתבר מתול דלא יבשלון ביה חולי ואין במנא דנהשא תתבשל ויסתפון בגרנישתא ...

The injunction to scour the vessel with a clod of earth is not found in any of the sources. PsY is providing a practical means of scouring. He also provides a reason for the halacha. The reason he gives is not found in any known source, but all he is doing is explaining an injunction that is clearly spelled out in the biblical text, in what is potentially the most reasonable way.

Leviticus 20,15:

And a man who lies with an animal will be put to death and the animal you shall slay.

PsY: ...will be put to death *by casting stones* and the animal you shall slay *with a blow*.

...איתקטלא יתקטיל באטלות אבנין וית בעירא תקטלון בקולפי.

The accepted rabbinic law is that both the person committing bestiality and the animal are stoned. PsY however holds, both here and in Leviticus 20,16 that the beast is beaten to death.

The expression used for the death penalty for the offender- מות יומת differs from that used for the death of the beast. PsY may be seeking to preserve that difference by specifying a different penalty. However the term used to describe the death of the animal- הריגה is generally taken to

translate as "judges" in both cases.

mean stoning (Sifra Kedoshim 11,1). It is unlikely that PsY would deliberately give it a different translation just to satisfy a minor exegetical requirement. Perhaps beating was the way in which animals that were not to be eaten were slain, so as to ensure they were not eaten. If so, PsY is giving the normal case²²³. It is unlikely that the courts saw many offences under this law and therefore it would be understandable if PsY did not assert any halachic opinion; it is much more probable that he just gives what he considers the normal case, however odd that may appear to us.

Leviticus 21,10:

And the priest that is highest amongst his brothers, upon whose head shall be poured the oil of anointing, and whose hand is consecrated to put on the garments, shall not let the hair of his head go loose, nor rend his clothes.

PsY: ...nor rend his clothes *at the time of his affliction*.

...ולכוש לא יבוע בשעת אניקו.

The interpolation *at the time of his affliction* seems to be for clarity. Even though M. Horayot 3,5 and R. Meir in Sifra Emor Pta. 2,3 rule that the high priest does rend his garments at the time of mourning, but from below, rather than from above as other people do, PsY remains consistent with the biblical text; as does the anonymous opinion in Sifra (idem). We would expect PsY to reproduce the biblical meaning, but his interpolation may be an attempt to harmonise the ruling in Mishnah with the biblical text. Perhaps he is implying that the High Priest does eventually rend his garments but at a later time, and only for ritual purposes.

Numbers 5,7:

And they shall confess their sin which they have done, and he shall make restitution for his guilt in full, and add a fifth of it to it and give it to he against whom has been guilty.

PsY: And they shall confess their sin which they have done, *if he has forcibly taken money from his fellow...*

וידון ית חוביהן דעבדו אין ממונא אנס לחבריה...

²²² See for example Sifra Hova Parasha 2,1 ff, Y. Shabbat 7,1 (9a) B. Horayot 5a..

²²³ B. Sotah 48a quotes a baraita "They used to strike [the animal] with clubs as is the practice with idolatry. [Johanan] said to them, How long will you feed the altar with *nevelot* (corpses)!" Perhaps beating an animal was more frequent than it is in our time.

Sifrei Numbers does not contain this comment and there is no apparent exegetical reason why PsY should bring it. It is possible that since he regards Numbers 5,6 as referring to swearing falsely before God (see below, p.59), he considers this verse to refer to trespasses against people. This is implied by the following verse **and if the man does not have a kinsman to whom restitution may be made for the guilt**. Cheating one's neighbour is one of the offences that necessitate a guilt offering in Leviticus 5,21.

Numbers 5,17:

And the priest shall take holy water in an earthenware vessel, and the priest shall take from the dust which will be on the floor of the Tabernacle and put it in the water.

PsY: **And the priest shall take holy water** *from the laver in a ladle...*

וְיִסַּב כַּהֵנָּה מִיַּיִן קִדְיִשִׁין כֵּן כִּיֹּרֶא בְּנִטְלָא...

Although the נטלא is known to rabbinic literature²²⁴, there is no known halachic source which states that it was used to take water out of the laver. It is logical to assume that some sort of ladle was made use of, but in the absence of confirmatory sources we cannot know what sort of instrument was actually used. It is likely that PsY is being practical, a vessel was necessary to take water out of the laver, the נטלא is the most natural²²⁵.

Numbers 15,4:

Then the one that brings his offering to the Lord shall bring (המקריב והקריב) a meal offering of a tenth part of fine flour mingled with a quarter of a hin of oil.

PsY: **Then** *the man* that brings...

וְיִקְרִיב גִּבְרָא דְּמִקְרֵב קִירְבְּנִיהָ....

Sifrei Numbers makes use of the doubling of the verb to stresses that both men and women may bring a freewill meal offering. PsY on the other hand very pointedly restricts the context to a man. He is probably presenting the likeliest case, he may feel that המקריב calls for a noun; *the man* is one of several options and fits in with the masculine form of the verb.

²²⁴ Y. Shabbat 3,4 (6a); B. Hullin 107a

²²⁵ The term נטלא may be connected to the phrase יָדִים עַל נְטִילָתָא which literally means "over the lifting, (or taking) of the hands" and is used as the blessing over hand washing. It is a strange phrase, and its meaning may not refer to lifting the hands but to using the נטלא to pour water over the hands.

Deuteronomy 17,4:

And it shall be told to you and you shall hear, and you shall enquire well, and behold it is true, the matter is correct, this abomination was done in Israel.

PsY: ...and you shall enquire *of the witnesses* well...

...ותיתבען ית סהדיא טבאזת....

This is an illustration of how to **enquire well**. Midrash Tannaim (p. 100) concludes by analogy from the use of היטב in this verse and in Deuteronomy 13,15 that just as two witnesses are required in this case (as stated in 17,6) so too they are required in 13,15. But since the biblical text is explicit in 17,6 that witnesses are required, there is no compelling reason to claim that PsY exhibits a similarity with Midrash Tannaim. Rather, he is drawing out the meaning of the verb היטב, consulting witnesses is a way of enquiring well.

Deuteronomy 17,18:

And it shall be that when he sits on the throne of his kingdom, that he shall write for himself a copy of this Law in a book from before the priests, the Levites.

PsY: ...that *the elders* shall write for him...

...ויכתבון ליה כביא....

There is no evidence in rabbinic sources for this ruling. Yitzhaky notes that attempts have been made to amend the text of PsY or to suggest that he had a corrupt version of the biblical text. On the evidence we have before us PsY presents a variation of the halacha, although he may be drawing out the force of the phrase וכתב לו. וכתב לו is superfluous, the Bible could simply state **and he shall write**- וכתב. PsY may understand the meaning as “and he shall write for him,” i.e. somebody else should write it for him. The problem with this is that the subject of the verb is singular, PsY provides a plural subject, *the elders*.

It is possible that PsY is giving the likeliest case. Writing a Sefer Torah is a skilled task and it is unlikely that the king would be able to do it, other than by proxy. PsY may therefore have felt it important to point this out.

Deuteronomy 24,1:

When a man takes a wife and marries her, then it shall be if she does not find favour in his eyes, because he found some unseemly thing in her, that he shall write for her a bill of divorce and he shall put it in her hand and send her from his house.

PsY: ...he shall write for her a bill of divorce *before the Bet Din*...

...ויכתוב לה ספר תירוכין קדם בי דינא ...

There is no evidence in the sources that the bill of divorce had to be written before the Bet Din. PsY here reflects a much later halachic tradition which is evident in many communities today, that the Bet Din must supervise the issuing of bills of divorce to ensure that they are technically correct. PsY interpolates *Bet Din* in many places indicating that he lays significant emphasis on its functions²²⁶. PsY's treatment of this verse represents a development of the halacha and suggests a post-talmudic date.

Deuteronomy 24,8:

Take heed in the plague of leprosy, that you observe diligently, and do according to all that the priests the Levites shall teach you; as I commanded them, so you shall take care to do.

PsY: ...observe diligently to do *whether in the plague of leprosy or the plague of baldness, whether unclean or clean according to all*...

...למנמור לחדא למעבד ביני מכתש צורעתא למכתש ניתקא ביני מסאבא לביני דכיא...

The interpolation links the two halves of the verse. It may be intended to draw out the meaning of *diligently, and do according to all*.

²²⁶ cf footnote 212, page 142.

TRANSLATIONS AND EXPANSIONS OF UNCLEAR ORIGIN

There are a small number of legal statements in PsY for which it is not possible to identify either the likely sources, or exegetical reasons which may have led to the statement. Whilst Yitzhaky found 120 such cases, once we eliminate those which we can justify on the basis of the reasons we discussed in the previous chapters, we find that in fact the number is very small indeed.

Exodus 12, 3-4:

This is the most prominent verse of unclear origin:

Speak to all the congregation of the children of Israel, saying, in the tenth day of this month they shall take to themselves each man a lamb according to their fathers' house, a lamb for a household. And if the household is too few for a lamb, then he and his neighbour who is near to his household shall take according to the number of souls, each man according to what he can eat you shall number for the lamb.

PsY: ...they shall take to themselves each man a lamb according to their fathers' house *and if they are too many for a quorum*, a lamb for a household. And if the household is too few *for a quorum of ten*...

...ויסבון להון אימר לבית גניסתא ואין כניאין ממנינא יסבון אימרא לביתא. ואין זעירין אינשי
ביתא ממנין עשרא...

There is no evidence in rabbinic sources than ten people constituted a quorum for eating the paschal sacrifice, indeed it would appear that the group could be of any size so long as each participant ate the minimum requirement of an olive's bulk²²⁷.

On the view of Shinan and others who support a late date for our Targum, PsY did not witness the eating of the paschal sacrifice at all, although it is possible that he is preserving an ancient tradition. But Josephus²²⁸ states that not less than ten were present to eat the paschal sacrifice and T. Pesahim 4 states that "there was no (group eating the) Pesach offering that did not number more than ten". Clearly there was an historic basis, real or imagined, to PsY's comment which may even have become enshrined in other sources.

PRE also places special emphasis on the quorum of ten. Chapter 19 of PRE requires a quorum of ten for circumcision and halitza. Although the quorum of ten constitutes an important part of

²²⁷ Mechilta d'Pischa 3, RShBY p 10, Sifrei Deuteronomy 132 and many later sources

²²⁸ Josephus, War VI 9.3.

traditional Jewish worship, it is possible that it was invested with even greater significance during the post-talmudic period in Palestine, so that it was deemed more appropriate to perform certain rituals in the presence of a quorum even though it may not have been legally necessary. In due course such customs may have taken on the binding force of law.

It is also possible that PsY is making use of the traditional rabbinic exegesis of the word **עדה**, **congregation**, which appears in the previous verse. According to Y.Megillah 4,4 (75b) and B. Megillah 23b, the occurrence of this word in Numbers 14,27 refers to a quorum of ten. Since Exodus 12,3 directs this verse at the **עדה**, PsY may feel it appropriate to mention the quorum here. Against this however, we should note that PsY does not mention a quorum in his exegesis of Numbers 14,27.

Leviticus 13,45:

This is another particularly striking example:

And the leper in whom the plague is, his clothes shall be rent and his hair shall be loose (פרוע) and he shall cover his upper lip and shall cry: Unclean, unclean.

PsY: ...*and a herald shall cry out and say "keep away, keep away from the unclean"*

...וּבְרוּחַ מְכַרִּיז וְאָמַר רְחוּקוּ רְחוּקוּ מִן מְכַאֲבָא.

Yitzhaky does not include this comment in his list of "external halachot", i.e. rulings in PsY that deviate from the (ultimate) rabbinic norm. Yet it is a difficult comment to explain; there seems to be no precedent in the sources for a herald to proclaim the uncleanness of the leper, nor does there appear to be an exegetical reason for its inclusion.

We will discuss all the remaining verses of unclear origin in the order in which they appear in the Masoretic text:

Exodus 12,46:

It shall be eaten in one house, you shall not bring any of the flesh out from the house, and you shall not break any bone of it.

PsY: ...*and not to send presents from one person to another and you shall not break any bone of it to eat what is within it.*

...ולא למשדרא דורונין גבר להבריה וגרמא לא תתברין ביה בדיל למיכול מה דבגוויה.

There is however no known source for the prohibition of sending gifts. Although it fits with the general sense of the verse there is no clear reason why PsY saw fit to mention this. It may refer to a custom or legend of which he was aware. Perhaps his is an austere reaction to a practice that sought to turn Passover into a present-giving holiday, or perhaps he was afraid that people would confuse or merge Passover with Purim which occurs one month earlier.

Exodus 23.4-5:

If you come across the ox of your enemy or his ass straying, you shall surely return it to him. If you see the ass of he who hates you lying under its burden, you shall forbear from passing it by, you shall surely help with him.

PsY: If you come across the ox of your enemy *whom you hate for a sin of his of which you alone know* or his ass... If you see the ass of he who hates you *whom you hate for a sin of his of which you alone know* lying under its burden...

אין תארע תורא דכנאך דאת בני ליה על הובתא דאנת ידע ביה בלחודך או המרא דמעיי מן ארחא
אתבא תתביניה ליה. אין תהמי המרא דכנאך דאנת בני ליה על הובתא דאנת ידע ביה בלחודך
רביע תהות טיניה...

Mechilta (Kaspa 20, p. 324) contains a number of definitions of what constitutes an “enemy”. PsY uses none of them. PsY is similar to a passage in B. Pesahim: *R. Samuel son of R. Isaac said in Rab's name: Yet he may hate him, for it is said, If you see the ass of your enemy lying under its burden. Now which enemy [is meant]: Shall we say, a Gentile enemy, — but it was taught: The enemy of whom they spoke is an Israelite enemy, not a Gentile enemy? Hence it obviously means an Israelite enemy. But is it permitted to hate him? Surely it is written, You shall not hate your brother in your heart? Again if there are witnesses that he had committed wrong, they all indeed hate him, why particularly this person? Hence it must surely apply to such a case where he had seen something indecent in him. R. Nahman b. Isaac said: it is a duty to hate him, as it is said, The fear of the Lord is to hate evil.* PsY seems to be drawing on an tradition partly preserved in this passage, rather than relying on his own reasoning, but we cannot say what the source of this tradition was. In any event this is more of a homiletic comment than a legal one.

Leviticus 11.11:

They shall be an abomination to you, you shall not eat of their flesh and you shall abhor their corpses.

PsY: ...you shall abhor their corpses *and you shall abominate any benefit from them.*

וית נבילתהון תשקצון ומן הנייתהון תתרהקן.

The verse refers to unclean fish. There seems to be no exegetical reason for PsY's interpretation. Yitzhaky states that the Rabbinic literature does not prohibit obtaining benefit from unclean fish and that therefore this statement is at odds with rabbinic law. Reifmann²²⁹ suggests a textual emendation of PsY so that *Haniot'hon הנייתהון* "their benefit" becomes *Haviyot'hon הויתהון* "their status". He bases this on the Arukh which implies that הויה may be used in the context of trade²³⁰. Thus according to Reifmann trade is prohibited but since benefit is not mentioned, this must be permitted. This would fit with the difficult readings in Sifra.

Sifra Shemini Parasha 3,8 permits benefit from unclean fish, but 3,11 prohibits trading with them. This is in itself a problematic distinction and various harmonisations have been suggested by the commentaries to Sifra.

Both Yitzhaky and Reifmann read too much into PsY's comments. We cannot expect all the details and intricacies of the oral law to be imported into a translation. In any event, the apparent internal inconsistencies in Sifra are of no concern to us here. We see PsY following a tradition partly laid down in Sifra, although he prohibits all benefit, not just trade. If PsY is following either an unattested external tradition or stating his own legal opinion, it is of such limited scope as to make us wonder what PsY's purpose could have been in asserting it.

Leviticus 15,18:

And a woman with whom a man shall lie carnally; they shall bathe in water and they shall be unclean until evening.

PsY: *And a second woman...*

ואתתא תנייתהא...

²²⁹ Y. Reifmann, "He'arot" p314.

²³⁰ Arukh s.v. הויה explains the "arguments (הויות) of Abayye and Rava" (B. Succah 28a) as the "problems which Abbaye and Rava traded in". Clearly Arukh is using the concept of trade as a metaphor- indicating that the two sages considered halachic interpretation to be their profession. They did not literally buy and sell halachic questions! Reifmann's emendation is a good example of the degree to which Talmudists may attempt to deconstruct a text, and arrive at a conclusion which can be far from the original meaning. But such a deconstruction can only be applied to a text such as the Talmud which itself engages in precise argumentation. It cannot be applied to a translation which necessarily needs to be more closely tied to the original language and concepts. It seems far fetched to imagine that PsY wanted to prohibit benefit but not trade and that therefore he used a word which metaphorically *might* once have been used to mean trade, whilst he did not make any mention at all of benefit!

In the London MS: **And an *unattached* (פניתא) woman...** There is certainly textual corruption in this verse, and whichever version we follow, we contradict the accepted ruling. Various attempts at emendation have been made, the most plausible being that of Perush Yonatan who reads תניינותא a second time- for תנייתא meaning a second woman. This would exclude the first conjugal act of a marriage from impurity.²³¹

Numbers 18.8:

And the Lord spoke to Aaron: And I, behold I have given to you the charge of my terumah-offerings, of all the sanctified things of the Children of Israel I have given them to you as an anointing and to your sons as an everlasting statute.

PsY: ...the charge of my offerings of separation, the dough offering and the first fruit...

...ואנא בחדא יהבית לך ית מטרת אפרשותי הלתא ובכוריא וכל קדשיא...

PsY in common with the other Targumim regularly translates תרומה **terumah-offering** as אפרשותא *offering of separation*. I have been unable to find a source for PsY's comment that the offerings referred to here were restricted to the dough offering and the first fruits. PsY may be drawing his readers' attention to the fact that **terumah offerings** is in the plural by listing more than one category of offering in accordance with Numbers 18,11 ff. His comment may be related to that in Y. Bikkurim 2,1 (64b) : **my terumah offerings- two (terumah) offerings:- the terumah offering and the first fruits**. This implies that the first fruits are included in the category of terumah offering. PsY however includes the dough offering as a category of terumah offering. This is not specified in Numbers 18,11 ff. It seems to be too remote a comment to be intended as a clarification of meaning.

Deuteronomy 17,16:

Only he shall not multiply horses to himself, and he shall not cause the people to return to Egypt in order that he multiply horses, for the Lord has said to you: You shall not again return by this way evermore.

PsY: Only he shall not multiply more than two horses to himself, lest the princes ride upon them and become arrogant and become removed from the matters of the Torah and become liable to the penalty of exile to Egypt...

לחוד לא יסגון ליה על תרין סוסון דלמא ירכבון רכבנאי עליהון ויתגאון ויתבטלון מפתגמי

²³¹ cf the discussion in Yebamot 34b and Rashi there.

אורייתא ויהובון חובת גלותא למזרים...

PsY deletes the entire injunction against returning the people to Egypt, and instead treats such a return as a punishment for increasing the number of horses. Perhaps PsY understands למען in order that as implying a consequence rather than a cause. A related translation occurs in Leviticus 20,3 where PsY translates למען as מן בגלל instead of the more usual בגין²³².

PsY's treatment of this verse probably owes as much to aggadic as halachic considerations. Itzhaky notes that this exposition is not found in the known sources although Midrash Tannaim (17,16) expounds that the plural form of horse means even two: *R. Natan said Only he shall not multiply horses to himself - do I hear that the plural is limited to two? We learn only - this increases* (the plural to two or more)²³³. Itzhaky treats the phrase *more than two horses* as an external halacha but does not discuss the elimination of the injunction against returning the people to Egypt. The mention of two or more horses may reflect the tradition preserved in Midrash Tannaim whilst the absence on a ban to return to Egypt is either a result of the above exegetical reasons or possibly out of consideration for the large Jewish communities which continually existed in Egypt from before the Hasmonean period.

Deuteronomy 22,26:

And to the girl you shall do nothing, there is no sin worthy of death in the girl, for just as a person rises up against his neighbour and slays him, so is this thing.

PsY: ...there is no sin worthy of death in the girl, but the man shall send her away from him with a bill of divorce...

לית לעולימתא דין קטול אלהן גברא יפטרנה מניה בגיטא...

It is not clear from PsY's phrasing whether it is the violated woman's betrothed or the violater who is obliged to divorce her. B. Ketubot 51b states that a violated woman is forbidden to her husband. Although this is a minority opinion in the Babylonian Talmud it is possible that PsY agrees with it and that therefore her fiancé must divorce her. Alternatively, since the violater of a unbetrothed woman is obliged to marry her (Deuteronomy 22,29), and the violater of a married woman clearly does not marry her, PsY may be putting forward a mid-point- since she is betrothed the violater

²³² Leviticus 20,3: And I will set My face against that man and cut him off from the midst of his people, for he gave of his seed to Molech, in order (למען) to defile My sanctuary and to profane My holy Name.

PsY: for he gave of his seed to idol worship, consequently (מן בגלל) to defile My sanctuary and to profane My holy Name.

²³³ By limiting the cases when he shall not multiply.

cannot marry her and so technically must divorce her. We do not know of any source to this effect. Since this point is not addressed in Sifrei Deuteronomy or Midrash Tannaim, PsY may also not have had any source which deals with this. He may have had an imperfect recollection of the halacha or simply reached his own conclusions.

Deuteronomy 26, 12-13:

When you will finish tithing all the tithes of your produce in the third year, the year of the tithe, and you will give it to the Levite, to the stranger, to the orphan and to the widow, that they may eat in your gates and be satisfied. And you shall say before the Lord your God, I have removed the holy things from the house and also have give them to the Levite, to the stranger, to the orphan and to the widow, according to all Your commandments which You have commanded me; I have not transgressed from Your commandment and I have not forgotten.

PsY: ...and you have given *the first tithe* to the Levite, *the second tithe- that is the poor tithe* to the stranger, to the orphan and to the widow, and they shall eat in your town and be satisfied. *And the third tithe you shall take out and eat* before the Lord your God and you shall say...

...ותתנון מעשר קמחא ללויאי מעשרא תניינא הוא מעשר מככניא לגיורא ליתמא ולארמלתא

ויכלון בקרוך וישבעון. ומעשר תליתאי תיסק ותיכול קדם ה' אלקך ותימר...

PsY suggests that in the third year there are three tithes. Rather than following the biblical requirement that the poor tithe is substituted for the usual second tithe, it appears here to be supplementary. This was first noted by Geiger²³⁴ who regarded it as an ancient halacha. Josephus (Antiquities IV,8,22) also mentions a third tithe and Tobit (1,8) speaks of distributing the tithe that was taken to Jerusalem amongst the poor, indicating that the two functions were amalgamated.

Y.Maaser Sheni. 5,9 (56d) records a number of Tannaim asserting that originally the tithe was divided into three parts. One-third was for the acquaintances of the Priests and Levites²³⁵ (to whom the owner would give the priestly shares for distribution), one third for the treasury, and one third for the poor and the *haverim* in Jerusalem.

²³⁴ A. Geiger (*HaMikra*) pp 113-116.

²³⁵ למכרי כהונה ולויה. Cf Y. Gittin 3,7 (45a).

We may see in this passage evidence that the second tithe and poor tithe were not in practice as independent of each other as the rabbinic literature indicates.

Alternatively, since the confession speaks of tithes which the householder eats, PsY may reflect Sifrei Deuteronomy 303 (p. 321) which sees the confession as applying to all tithes and heave offerings. Although it is made in the third year it refers equally to the two preceding years. Thus when PsY speaks of three tithes, he is not implying that they are offered simultaneously, nevertheless there are three tithes- the first, the second and the poor.

Against this however, we must note that in Deuteronomy 14, 23 PsY does call the second tithe by its proper name, here he calls it the third tithe.

Although there is a possible agreement between PsY and Sifrei Deuteronomy, it is tenuous.

CONCLUSION

The aims of this study, as set out on page 20 were:

To analyse the halachic content of PsY in a systematic manner.

To identify PsY's halachic sources; to gain an insight into the circumstances under which he used or failed to use them and to consider the extent that there may be a Shared Targumic Halachic Tradition.

To consider techniques of translation and interpolation in the halachic material.

To use this information to consider whether current scholarly thinking in respect of authorship, genre and date that have been reached through a study of the non-legal content can be maintained when tested against the legal material.

We hoped to gain some idea of what the author's purpose was in composing this work, and who his target audience were. We also needed to discover whether the halachic material fell within the general corpus of rabbinic tradition. This latter point was particularly important in view of the vastly different conclusions reached by Yitzhaky and Maori.

Turning first to the identification of PsY's halachic sources, our survey shows quite clearly that PsY made significant use of traditions found in particular rabbinic texts. His use of similar cognates of words found in rabbinic texts, and word for word translations of material in rabbinic texts indicates that on occasion he copied directly; at times his remarks can only be understood by reference to a rabbinical text . We have also seen evidence of his synthesising material from more than one source.

The rabbinic works which have occurred most prominently in our investigation are Mishnah, Mechilta d'Rabbi Ishmael, Sifra, Sifrei Numbers and Sifrei Deuteronomy. Tosefta, Sifrei Zuta and Mechilta d'Rabbi Shimeon bar Yochai²³⁶, which are of similar provenance to these texts, are less conspicuous. There is virtually no evidence of use of Tosefta; we shall discuss Sifrei Zuta and Mechilta d'Rabbi Shimeon bar Yochai below.

²³⁶ Even in our time Sifrei Zuta and Mechilta d'Rabbi Shimeon bar Yochai are the least well known of the tannaitic compilations, the evidence from PsY seems to indicate that this may always have been the case.

Mishnah

PsY's deviations from the Mishnah are few in relation to the number of times he agrees with it. Even on those few occasions when he does contradict the Mishnah- e.g. Leviticus 19,10 (above, page 83) and Numbers 18,13 (page 53) there is no reason to suggest that he was unaware of the Mishnah, or that he was consciously overruling it. His rejection of Mishnaic strictures regarding particular translations do not imply that he was did not use of the Mishnah as a source. We have seen that Onkelos also translates the priestly blessing in defiance of M. Megillah 4,10, whilst PsY's failure to conform to the other regulations in that chapter of the Mishnah do not mean that he was unaware of the Mishnah; if he was producing a written Targum he may simply have felt those rules did not apply to him.

Of course compliance with the Mishnah does not imply that he copied from the Mishnah. Even though PsY seems to be copying directly for his treatment of Leviticus 13,3-4 (page 51), when we turn to the other occasions where we find we find similar phrases (in translation), e.g. Deuteronomy 19,5 (page 68) or Deuteronomy 21,3 (page 70) it is by no means clear that he is transcribing the Mishnaic text. Nor does compliance with Mishnah imply that he regarded it as an inviolable authority. In Exodus 21,28 (page 47), for example he follows Mechilta rather than Mishnah. The nature of the Mishnah is such that he would have been unlikely to have used it in the way that he may have used a running commentary, where the material is laid out according to the biblical sequence and which offers a pithy comment that may be suitable for interpolation (after first being translated into Aramaic).

Nevertheless the evidence we have found clearly indicates that PsY is behaving wholly in accord with convention, and remaining to all intents and purposes within the limits of Mishnaic Law. We can conclude that he was aware of Mishnaic regulations, either had a copy of the Mishnah before him, or knew it by heart, and referred to it to corroborate his evidence.

Mechilta

Maori²³⁷ has already noted that PsY knew a version of Mechilta of Rabbi Ishmael (henceforth Mechilta) similar to that which we have today. He draws our attention to the close similarity between Mechilta's halachic treatment of Exodus 21, 2-12 and that found in PsY. He also cites Reifmann's illuminating treatment²³⁸ of PsY's difficult comment on Exodus 17, 15: **And Moses**

²³⁷ Y. Maori "The Relationship of PsY" p.245.

²³⁸ Y. Reifmann, "He'arot" p. 219

built an altar and called it *The Memra of the Lord is my miracle*²³⁹, *for the Miracle that the Place* (אתרא) *performed was for my sake*. The use of אתרא, to designate the Omnipresent, is otherwise unknown in targumic literature. Yet its Hebrew cognate, מקום, is frequently used in this sense. Reifmann showed that PsY was translating directly from Mechilta (Parshata d'Amalek 2, p 186) thus accounting for the previously unknown use of the Aramaic אתרא.

Our research shows that PsY agrees with Mechilta in many places. We found evidence of PsY copying directly from Mechilta in Exodus 13,12 (page 69) and further evidence of PsY's use of Mechilta in Exodus 16, 29 (page 45); 19,21 (page 69); 22,8 (page 33); 21,19 (page 46); 22,28 (page 48), 16,5 (page 45); 22,29 (page 34) and 12,2 (page 42). Taken with Maori and Shinan's work on the aggadic parallels between PsY and Mechilta²⁴⁰ it seems clear that the latter was a significant reference work for PsY. Although it is possible that PsY only knew Mechilta (and indeed all the other works we have cited) orally, he was nevertheless familiar with it.

Other than those verses from Exodus where he used his independent reasoning, Exodus 22,30 (page 86) is the only occasion that we have found where PsY seems to use a rabbinic source other than Mechilta (although we do not know what his source was). This indicates a strong dependence upon Mechilta, far greater than we will see with any other rabbinic text.

Mechilta d'Rabbi Shimeon bar Yohai

There are no occasions when PsY uses a text from RShbY which is absent from Mechilta; but the converse does not hold. This indicates that it is much more likely that where the same material is to be found in all three works, PsY drew it from Mechilta rather than from RShbY.

The only evidence that we have seen which indicates that PsY made any halachic use at all of RShbY is Exodus 21,2, where PsY stresses that a slave is set free at the beginning of the seventh year. This was discussed above, on page 27. PsY however agrees with Mechilta extremely closely in his exegesis of 21,2-11²⁴¹, and even in 21,2 he disagrees with RShbY by stating that the slave is

²³⁹ M. Maher, The Aramaic Bible, Vol 2, page 211, note 23, citing Le Deaut suggests *and the Memra of the Lord named it, 'this miracle is mine'*, changing the subject from Moses. This would conform with the opinion of R. Eleazar HaModa'ii in Mechilta loc cit: *R. Yehoshua said that Moses named it My Miracle and R. Elazar HaModa'ii said The Holy One (HaMakom) named it My Miracle. Moses said, This miracle that HaMakom performed he carried out for my sake*. Horowitz suggests that the section from *Moses said...* onwards should follow R. Yehoshua's opinion.

²⁴⁰ A. Shinan, Targum V'aggada Bo, p. 173 ff.

²⁴¹ Y. Maori (The Relationship of PsY) p. 245 has already noted this.

sold by the court while RShbY states he may sell himself. What appears to be PsY's use of RShbY in 21,2 may in fact simply be PsY's independent clarification of the text.

We have to conclude that the sole commentary on Exodus which we can identify as being used by PsY in his exegesis is Mechilta. He used this extensively, although we cannot know whether this was out of choice or necessity. RShbY may not have been available to him. The version of Mechilta that he agrees with was clearly similar to that which we have today. However, the fact that PsY used Mechilta so extensively does not support Yitzhaky's conclusion that PsY followed the school of (or even a school attributed to) Rabbi Ishmael. Equally we have to reject Yitzhaky's suggestion that the connection between PsY and RShbY is broadly similar to that between PsY and Mechilta²⁴².

Sifra

Examples of PsY's use of Aramaic cognates of material in Sifra (implying direct copying) are Leviticus 22,13 (page 38); 1,2 (page 49), 19,26 (page 28) and 8,23 (page 50). We found numerous examples that indicate an awareness of Sifra. These include Leviticus 11,36 (page 51); 14,7 (page 40); 13,46 (page 52); 15,4 (page 35); 19,10 (page 83) and 19,32 (page 25).

However there are also many cases where PsY's treatment of Leviticus draws on traditions not found in on Sifra. Notable amongst these is Leviticus 18,21 (page 55) which, as we noted, provides evidence that PsY was a literary composition. Other verses where PsY disagrees with Sifra include Leviticus 16,21 (page 35); 11,37-38 (page 30); 16,21 (page 54); 23,42 (page 40) and 15,31 (page 53).

Leviticus contains by far the largest amount of legal material of all the books in the Pentateuch. It should not surprise us if our research shows that PsY contains more verses in accordance with Sifra than is the case with any other Halachic Midrash. PsY deviates far more frequently from Sifra than he does from Mechilta, which may indicate that he had an incomplete copy, that he was using a similar but not identical work, or that he was working from memory. But there is sufficient correspondence between PsY and Sifra for us to assume that this too was one of his reference sources.

²⁴² E. Yitzhaky The Halacha in Targum Yerushalmi I, Introduction, pp 70 ff.

Sifrei Numbers

There is also evidence for PsY's use of Sifrei Numbers. It seems to be nearly as extensive as his use of Mechilta, although we do not find the same widespread parallels of language.

We noted minor divergences between PsY and Sifrei Numbers in the treatment of the red heifer. This prompted us to suggest that PsY was using alternative traditions which may have come from a variant version of Sifrei Numbers, or may have been drawn from another oral or written compilation.

We noted cognates, or very similar language, to Sifrei Numbers in PsY's treatment of Numbers 5,6 (page 59); 5,15 (page 35); 8,2 (page 59) and 31,22 (page 65). In many other cases there is general agreement between PsY and Sifrei Numbers. In only three occasions in the Book of Numbers (other than his treatment of the Red Heifer) can we categorically say that PsY uses a rabbinic source other than Sifrei Numbers- 6,2 (page 59); 15,22 (page 92) and 31,20 (page 64).

Sifrei Zuta

Although we have noted a certain amount of agreement between PsY and Sifrei Zuta, in each case there is also agreement with Sifrei Numbers. But there are many occasions where PsY agrees with Sifrei Numbers but not Sifrei Zuta. Given the connection that we have seen between PsY and Sifrei Numbers, it is much more likely that the halachic interpolations in PsY that occur in both Sifrei Numbers and Sifrei Zuta were copied from the former rather than the latter.

Sifrei Zuta has been poorly preserved and Horowitz²⁴³ notes that his edition lacks much of the original material. This of course raises a number of questions. It could be that originally Sifrei Zuta comprised much more extensive material containing equivalents to some of PsY's comments on Numbers which did not originate in Sifrei Numbers. On the other hand, and far more in keeping with the small amount of evidence that we have, Sifrei Zuta may have been wholly unknown to PsY. We certainly cannot include it amongst his known sources.

Midrash Tannaim

We have to be very careful when considering PsY's relationship to Midrash Tannaim. As a reconstructed text Midrash Tannaim is bound to contain inaccuracies. Since much of our investigation into PsY's sources hinges on his use of specific words and phrases, any inaccuracies in Midrash Tannaim could very easily lead us to wrong conclusions. Furthermore, Epstein concludes

that the author of Midrash Hagadol, a primary source for the reconstruction of Midrash Tannaim, made use of baraitot in the Babylonian Talmud, Mechilta and Sifrei Deuteronomy to supplement the manuscript that he had of Midrash Tannaim²⁴⁴. This means that texts in Midrash Tannaim as we have it are open to even more doubt and that consequently we need to be even more cautious when drawing parallels between Midrash Tannaim and PsY. Any conclusions that we draw can only be regarded as indicators towards a general trend.

Nevertheless Midrash Tannaim has featured prominently in our investigation into PsY. We saw a cognate in Deuteronomy 19,5 (page 68) and a large number of verses where close similarity exists, notably Deuteronomy 23,24 (page 75); 23,16 (page 74) and 25,5 (page 76). The evidence for PsY's use of Midrash Tannaim is not as strong as that for his use of Mechilta or Sifrei Numbers. But given the general uncertainties surrounding the compilation, the evidence is probably sufficient to concede that he had a work similar to that which we know today as Midrash Tannaim.

Sifrei Deuteronomy

Although PsY agrees with Sifrei Deuteronomy on several occasions, in nearly all cases there is agreement with either Mishnah or Midrash Tannaim as well. The only verses that we have seen which indicate that PsY is exclusively in agreement with Sifrei Deuteronomy are 24,12 (page 25), 24,4 (page 29) and 19,15 (page 69). In the light of the relationship that seems to exist between PsY and Midrash Tannaim, it appears that Sifrei Deuteronomy was not the primary reference work to Deuteronomy and that the three comments that PsY seems to have drawn from it were actually known to him from elsewhere, perhaps orally or through a more complete version of Midrash Tannaim.

Babylonian and Palestinian Talmuds

We have encountered a few parallels with each Talmud. All the material in the Babylonian Talmud with which PsY agrees occurs as *baraitot*. This suggests that his primary sources would have been the compilations or oral traditions that contained each *baraita*. If he was using the Bavli directly we would expect to find at least one influence that was not taken from a *baraita*.

There are only four verses which present any serious evidence that PsY may have known the Palestinian Talmud, or parts of it. These are Leviticus 18,21 (page 55), Leviticus 21,9 (page 56);

²⁴³ H.S. Horowitz, Sifrei Numbers Introduction p. xx.

²⁴⁴ J.N. Epstein, Tannaim pp. 632-3

Leviticus 22,27 (page 57) and Deuteronomy 13,6 (page 67). In each case PsY's conforms to a statement attributed to a Tanna, and so, as with the Bavli, it is probable that he used the source of the Tannaitic attribution in the Yerushalmi rather than the Talmud itself. In any event, in none of these cases is the evidence in favour of his use of the Yerushalmi irrefutable, there are alternative sources that he could have used to derive the relevant information.

Consequently we have no adequate evidence that PsY knew either the Palestinian or Babylonian Talmud.

Targumic Traditions

We have discussed twenty occasions where PsY follows a targumic tradition. In the verses we discussed PsY agrees with Onkelos more frequently than any other Targum. However our sample is small and to get a true picture we would need to consider all the apparent targumic traditions in PsY, both halachic and aggadic, and correlate them with the various Targumim.

Our findings give credence to the suggestion we made earlier (page 20) that there may be a shared halachic tradition amongst the Targumim. We have certainly seen that this is the case between PsY and other Targumim, we have also seen that other Targumim share halachic traditions amongst themselves. We will discuss the implications of this vis a vis the composition and purpose of PsY below.

PsY & PRE

Shinan dated PsY in the eighth century largely because of what he saw as a relationship between the aggadic content of PsY and PRE. Hayward disputed this relationship. Had we found that the two works were related in respect of their halachic material, this would assist Shinan's theory of a relationship between the aggadic material, support his dating of PsY and perhaps establish PRE as one of its halachic sources.

But our research does not support Shinan's view. We have found no halachic connection between the two works. They almost certainly derived from a common school but as a result of their different genres there is no point of overlap for their halachic concerns. It is possible that PsY did make use of PRE, but only for aggadic material. But Hayward's view is the more tenable, whatever relationship exists between the two works does so because the same influences were at work on each, rather than there being a direct relationship. Nevertheless, as we shall discuss below, we do not need to demonstrate a relationship between PsY and PRE to enable us to date PsY in the eighth century.

Statements of Unclear Origins

We have also identified ten verses where we cannot identify PsY's source, nor can we explain why he may have reasoned in such a way as to produce the material we have. The number of these "unattested" legal statements in PsY is very small in comparison to the total number of legal rulings in the whole work.

In order to consider the significance of this, it is instructive to look at halachot which occur in other Palestinian texts. Although very little research has been carried out in the field of halacha in aggadic Midrash, I briefly examined those Midrashim which Buber cites as "Halachot and Legal Rulings in MS Tanhuma that begin *yelandenu rabbeinu*²⁴⁵ and those in Deuteronomy Rabbah which are introduced by the word *halacha*. At very least, the following regulations occur which are not attested in any other rabbinic sources:

Midrash Tanhuma ed. Buber:

Vayishlach 12- a woman must not go into the street wearing her jewellery on a weekday. The Midrash derives this halacha from Dinah's experience at the hand of Shechem son of Hamor (Genesis, chapter 34). This occurs also in Yalkut Shimeoni where the source is almost certainly Buber's Tanhuma, but apparently nowhere else.

Naso 14- Quotes M. Megillah 4,7 but includes a statement by Rabbi (Yehuda ha-Nasi) that does not occur in our versions of the Mishnah: *a priest who has a blemish on any part of him (בכולו) must not perform the priestly blessing.*

²⁴⁵ S. Buber, Midrash Tanhuma, (Lvov, 5643), Introduction, p. 28-42,

Shelach / An emissary engaged in performing a Mitzvah can suspend the laws of Shabbat (הטבת שליח מצוה דוחה את). This has been subject to a lot of discussion and textual emendation but much of this is speculative and the passage is cited here for illustrative purposes.

Deuteronomy Rabbah.

2,18 A person who grows the locks of the front of his hair is punished with forty lashes. Although the prohibition is found in T.Shabbat 6 and Baba Kamma 83a I have been unable to find the punishment expressed elsewhere.

The other Targumim also contain "unattested" halachic material. Bamberger²⁴⁶ in a study of Neofiti lists ten "anomalous renderings... which neither follow the established halacha nor one of the minority opinions...".²⁴⁷

Thus we should be neither unduly surprised nor concerned to find a reasonable number of unattested halachot in PsY. Yitzhaky's figure of 105 verses containing unattested halachot, if accurate, would be of interest. But we have seen in this study that many of Yitzhaky's conclusions are based on a misunderstanding of PsY's exegetical priorities and techniques. So our Targum simply enters the field as another piece of Palestinian literature that may contain a small amount of unattested halachic material.

The Date of PsY

The evidence from our research into the halachic material points towards a date of PsY certainly later than the fourth century, by which time the Halachic Midrashim have crystallised. We have found no halachic evidence that would suggest a later date of composition, but neither have we found any evidence that the text was revised and amplified over a period of time. Indeed the halachic content indicates a homogenous work.

²⁴⁶ J. Bamberger, "Halachic Elements in the Neofiti Targum: A Preliminary Statement", Jewish Quarterly Review, 66, 1975, pp 27-38.

²⁴⁷ This statement needs to be tested by a detailed analysis.

That PsY bears such a close relation to rabbinic tradition supports both Shinan and Maori who show that PsY had a number of Tannaitic sources before him from which he drew his aggadic and halachic material, and who called for further research into the halachic material. It contrasts with the findings of researchers, including Kahle, Geiger, Churgin, Kasher, Heinemann and to some extent Yitzhaky who saw evidence of a very early, pre-Mishnaic halachic tradition in PsY. Yitzhaky also saw a correspondence between some of PsY's rulings and Karaite and other non-rabbinic sources.

We have also not been able to substantiate Hayward's claim regarding date, although we can support his conclusion regarding the lack of a direct relationship between PsY and PRE.

Hayward's claim regarding PsY's date is based on two factors- one positive, one negative. On the one hand he claimed that there was positive evidence from PsY's treatment of the red heifer ritual to substantiate a date no later than Sifra, Sifrei Numbers and Sifrei Zuta. On the other hand he considered that the lack of a relationship between PsY and PRE weakened the argument that PsY can be dated after the Islamic conquest.

Our consideration of PsY's translation of Numbers 19 was influenced by the general picture that we have built up concerning how and why PsY introduces halachic material. Hayward's study was of Numbers 19 only, and without the evidence from the halachic material in the whole of PsY, such a study does not give a sufficiently broad overview to substantiate his conclusions. We might feel that Hayward places too much emphasis on the role of the red heifer in rabbinic tradition, one gets a sense when reading the rabbinic literature that the sages were at least as fascinated by the non-rational basis of the commandment²⁴⁸ as by the details of the ritual. These do not receive systematic treatment- there is no tractate Parah in either the Babylonian or Jerusalem Talmuds²⁴⁹.

²⁴⁸ The red heifer is often considered to be the paradigm of קורבן, a commandment whose rationale is unknowable. cf. Urbach, *The Sages*, (Cambridge MA, 1994), pp 377-8.

²⁴⁹ Haywards statement that "the Mishnah and talmuds sought to provide authoritative guidance in the shape of tractate Parah" is puzzling in the absence of a talmudic tractate on Mishnah Parah.

Our comparison of the halachic material in PsY and PRE did not indicate a direct relationship. Whilst this supports Hayward's findings, it does not invalidate the suggestion that PsY is a post-Islamic compilation, although clearly a direct relationship between the two works cannot be cited in support. The evidence that suggests a date following the Islamic conquest is well known. There seems to be no reason to discount the references to Adisha and Fatima, and to the City of Constantinople. In the absence of any evidence that the text was revised over a period of time, Hayward's assertion that these references were inserted by a later copyist needs to be substantiated. The only substantial objection to a date following the Islamic conquest seems to be the reference to Yohanan the High Priest. We have already noted Shinan's view²⁵⁰ that Yohanan is actually a textual corruption of Aaron. But alongside Yohanan in Deuteronomy 33,11; PsY also mentions Elijah and Levi. The verse sees Moses blessing the Levites and cursing their enemies. Elijah in this context is almost certainly a reference to Pinchas²⁵¹. Yohanan the High Priest (i.e. Yohanan, or John, Hyrcanus), Pinchas and Levi are each violent heroes of the priestly tribe, hence they are cited together to recall the victories of the priestly warriors. The reference to Yohanan is therefore not contemporaneous with PsY, he is seen as a character from history, alongside Levi and Elijah.

Further evidence that Yohanan Hyrcanus was viewed in certain circles as a heroic model from the past may come from the Scroll of Antiochus (or the Scroll of the Hasmoneans), a late Palestinian Midrash probably composed between the 8th and 9th Centuries²⁵². It sets as its hero Yohanan the High Priest, son of Mattathias and brother of Judah the Maccabee. This text seeks to glorify Yohanan rather than Judah as the hero of the Maccabean revolt. It would not be at all surprising if the author of the Scroll of Antiochus confused Yohanan Hyrcanus with his uncle, Yohanan son of Mattathias.

Little is known about the origins of the Scroll of Antiochus. Kasher²⁵³ suggests that it was written as a festive scroll for Hanukkah, perhaps as an anti-Karaite polemic since they did not accept this festival. It is unclear why Yohanan is cast as the hero, but it is possible that there is a connection

²⁵⁰ Above, page 8.

²⁵¹ PsY agrees with the tradition also found in PRE 19 and PRE 47 that Elijah is Pinchas. Exodus 6,18: *And the days of the life of K'hat the pious were a hundred and thirty three years he lived until he saw Pinchas, who is Elijah, the High Priest who will be sent in the future to the exiles of Israel at the end of days.* He states of Pinchas (Numbers 25,12) *I shall make him an eternal angel and he shall live for ever to announce the redemption at the end of days.* Similar comments are found in Exodus 4,13, 40,10 and Deuteronomy 30,4.

²⁵² H.L. Strack & G. Stemberger (*Introduction*) p. 364.

²⁵³ A. Kasher, "The Historical Background of Megillat Antiochus" *Proceedings of the American Academy for Jewish Research* 48 (1981) 207-30.

with the passages in B. Kiddushin 66a and Pesikta d'Rab Kahana (Buber edition, p. 80b) where Yohanan Hyrcanus becomes a Sadducee. The Scroll of Antiochus may preserve a dissenting, perhaps priestly, tradition which sought to rehabilitate Yohanan Hyrcanus. PsY seems to take a particular interest in promoting the priesthood. Perhaps this reflected a wider tendency seen also in the Scroll of Antiochus to erase memories of the Sadducee-Pharisee split and to reaffirm the priest's role at the centre of religious life.

In any event the evidence that PsY's mention of Yohanan establishes the antiquity of our Targum is weak.

The halachic evidence alone does not allow us to push forward PsY's date much beyond the fourth century, or perhaps the fifth if we assume that PsY depends on the Palestinian Talmud, for which we have not discovered adequate evidence. But since there is now no reason to date PsY before the Mishnah, it does seem reasonable to conclude that the evidence offered by Fatima and Adisha, and the anti-Islamic polemics identified by Ohana²⁵⁴, should be taken at face value and that we are looking at a work that received its final editing during the early Muslim period, that is to say the seventh or eighth century.

Techniques of Translation and Interpolation

Although the vast majority of halachic material in PsY agrees with a rabbinic source or targumic tradition, there are many interpolations and expansions that have been derived independently. We have also seen that halachic statements in PsY, whether derived from sources or independently, should not necessarily be considered as intended to be prescriptive.

We have seen that PsY uses rabbinic sources and targumic traditions as well as his own reasoning for his interpolations, expansion and translations. He clarifies the text, makes exegetical points and provides detail of how the law is applied. Alongside his literal translations he is concerned to clarify difficult meanings of words and phrases in the Masoretic text, and to make the text appear less vague where appropriate. He uses standard midrashic techniques to seek hidden meanings in redundant or duplicated words and unusual word forms. More than anything else however, he is concerned with providing the practical application of a law, or defining the circumstances in which it applies; as if he were answering the question: how or in what way is the law to be carried out.

²⁵⁴ Above, page 8.

We have suggested that at times PsY may have worked from memory. If so we might expect lapses which result in his transmitting an incomplete or corrupt version of a tradition. This of course can also apply to baraitot cited in the Talmuds or indeed to any rabbinic literature that relied to some degree upon oral transmission, although mistakes are more likely to have been spotted, and corrected, in well known works, such as the Talmuds. The incorrect recording of traditions due to faulty memory, whilst not necessarily exclusive to PsY, nevertheless may account for some of his divergences from known sources.

We have not been able to determine why PsY used sources in some cases, and his independent reasoning in others; it may be that the compilations and traditions at his disposal were incomplete and consequently there was no relevant rabbinic material available to him. Or he may have felt that the information presented by the sources was inadequate for his purposes.

This independence suggests that far from being a mere technician, weighing up the material that the sources offer and selecting the most appropriate, PsY was a creative thinker. In response to the question why he did not use his own reasoning all the time, we can hypothesise that it was more important to him to reflect a rabbinic tradition than to innovate. Were this only to hold true in the halachic arena, we might argue that he may have not had sufficient confidence in his abilities as an halachist. But Shinan²⁵⁵ shows that of the hundreds of aggadic traditions in PsY, relatively few are unparalleled in targumic tradition or rabbinic sources, suggesting that despite his potential to be creative, his objective was not to demonstrate his powers of independent reasoning.

What our evidence does show us is that the overwhelming concern of PsY, as far as legal material is concerned, is to provide information on the how the law is applied, or the circumstances in which it operates²⁵⁶. Again he relies far more heavily on known rabbinic sources than on his independent reasoning. Nevertheless, despite this reliance on tradition he finds the opportunity to introduce themes of special interest to him, notably the Bet Din²⁵⁷, Piety and Austerity²⁵⁸, Treatment of Strangers and Converts²⁵⁹, Intermarriage²⁶⁰, Calendrical Matters²⁶¹ and the Priesthood²⁶².

²⁵⁵ A. Shinan, *Targum v' Aggada Bo*, pp 185 ff.

²⁵⁶ Appendix I lists all the verses of halachic significance in PsY. The proportion of those verses which derive "How the Law was Applied" from rabbinic sources is greater even than the discussions above suggest- most of the verses derived through independent reasoning or midrashic exegesis were worthy of detailed analysis, whilst many of those which followed the sources are straightforward and did not need to be discussed.

²⁵⁷ E.g. Numbers 30,3; Deuteronomy 15,2; 21,2; 21,3; 22,2; 22,24; 24,1; 25,3; 25,7; 25,8.

²⁵⁸ Exodus 12,46; Deuteronomy 6,7; 20,5-8; 26,30,

²⁵⁹ Exodus 22,20; Leviticus 19,26; 25,17; Numbers 10,29; Deuteronomy 23,8-9; 23,16;

Method of Composition

Our research has not produced any evidence which directly argues in favour Shinan's two-stage theory in which an author wove material into an extant Palestinian base text. PsY is certainly a text which contains both targumic and rabbinic traditions, and which has at its core a Targum of the Palestinian genre. This is confirmed by Cook who found that PsY is written in a literary Aramaic characteristic of the Targumic genre, Shinan's evidence of a shared Targumic Aggadic tradition and the results of our research which indicate the existence of a corresponding halachic tradition. But the claim that an author started with a single extant Palestinian Targum as a base text, and wove his own material into it, requires substantiation.

The two stage theory may have been necessary were it necessary to explain why pre- and post-Mishnaic halachic regulations existed side by side in the same text, but as we have seen, PsY's halacha almost universally conforms to rabbinic tradition. It would seem more reasonable to posit that, just as today a biblical translator may refer to earlier translations without necessarily being bound by them, so too did the author of PsY. He may have had several targumic versions available in addition to his rabbinic sources, and selected material for inclusion and to assist with translation as he felt appropriate.

But even without support for the two-stage theory we can accept Shinan's conclusion that PsY is a literary composition. Where we differ from Shinan is over how the work was composed and of course its lack of dependence on PRE.

Purpose of PsY

The information that he provides concerning the application of the law is moderated by the constraints of the biblical text; even though he lived before the halacha is crystallised into formal codes, his frequent agreement with minority opinions suggests that his intention is not to produce an authoritative manual on religious law and practice. He expands upon the Masoretic text, in order to explain the law more fully and within the limits of the original language; demonstrating which traditions were, in his opinion, those which reflected most closely the meaning implicit in the Pentateuch.

²⁶⁰ Leviticus 18,21; Deuteronomy 23,3

²⁶¹ cf Exodus 12,2, although most of the calendrical material, as listed in footnote 83 appears in the aggadic content of PsY.

²⁶² Leviticus 2,12; 14,7; 16,27; 18,30-31; 19,24; Numbers 28,2; Deuteronomy 20,6 and the red heifer ritual (Numbers chapter 19).

We could argue that his target audience may have been one which was familiar with rabbinic tradition. Were they to have been uneducated they may easily have been misled by his citation of minority views. If they were educated, they would recognise how the rabbinic traditions that he incorporated correlated with the biblical text. Indeed, there are occasions where he offers hints and allusions that seem to presuppose that his audience are aware of rabbinic traditions²⁶³.

If however he could rely on an educated audience, we have to wonder why he provides so much detail on basic religious topics such as Succah²⁶⁴, Tefillin²⁶⁵ and even Eruv²⁶⁶ and Halitza²⁶⁷ which are not so basic but would surely be familiar to an educated audience. Furthermore, although detail is important²⁶⁸ we have seen²⁶⁹ that he often appears more concerned to explain the text in an uncomplicated manner than to incorporate all the legal nuances.

So his audience is unlikely to have been a highly learned one. We may be on safer ground if we do not set too much store by the supposed allusions to rabbinic traditions and assume that these hints, if indeed they were hints, were known only to himself and perhaps a few educated elite amongst his circle.

The targumic genre had been established as the paradigmatic mode of translation since earliest rabbinic times. As P.S. Alexander has shown²⁷⁰, the Targum was used in three distinct settings, a) the synagogue, b) private devotion, c) the school. Few written Targumim may have been available, books were expensive²⁷¹, and so the conditions may have been auspicious to introduce a new translation. Just as new text books are regularly written for schools and colleges today, so a “modernised” Targum of the conventional genre that provided more detailed aggadic and halachic information could have been potentially very popular.

²⁶³ Deuteronomy 19,15 (page 69); Leviticus 7,27 (page 153), Exodus 22,19 (page 152) and possibly even in Leviticus 19,10 (page 83).

²⁶⁴ Leviticus 23,42, page 40

²⁶⁵ Exodus 13, 9-10, page 85

²⁶⁶ Exodus 16,5, page 45

²⁶⁷ Deuteronomy 25,9, page 78

²⁶⁸ Exodus 12,9, page 86

²⁶⁹ Leviticus 11,29-31 (page 87); Numbers 29,31 (page 82); Deuteronomy 19,15 (page 69); 23,22 (page 100); 20,19 (page 96); 21,2 (page 97).

²⁷⁰ P.S. Alexander, *Jewish Aramaic translations in Mikra*, p.238 ff. Also AD York, *The Targum in the Synagogue and the School*, *Journal For The Study Of Judaism In The Persian, Hellenistic And Roman Periods*, 10, (1979) pp. 74-86.

²⁷¹ P.S. Alexander, *Jewish Aramaic translations in Mikra*, p.240.

If we assume that an author composed the work afresh for the *Bet Midrash* making significant use of other Targumim to assist him with the underlying translation, but allowing himself the freedom and flexibility to use his own creativity as he wished, we can explain several of PsY's often "favourite" themes. He refers frequently to the *Bet Midrash*²⁷²; yet does not mention the synagogue, its practices or public prayer. PsY's references to the *Bet Midrash* are of course anachronistic, the institution was unknown in Biblical times. He could just as easily have introduced the synagogue anachronistically had he wanted. Perhaps he pays particular attention to the *Bet Midrash* because this is where it was to be used.

His concern with intermarriage and treatment of strangers and converts may well have had contemporary relevance in the school house. They certainly would be issues today, in a multicultural environment. Although we can only speculate, it is possible that if comparable cross-cultural influences existed in early Islamic Palestine, a Jewish religious educator may well have felt minded to pay particular attention to these topics. If so, we can see how connecting them to biblical themes may have had pedagogical advantages.

Use in the *Bet Midrash* also explains his technique of illustrating how the law is applied, but only in a way which reflects most closely the meaning implicit in the Pentateuch, whether or not that is the authoritative ruling. Whilst it was important to stress how to perform basic practices such as Succah and tefillin, when the subject under discussion is how the Yom Kippur sacrifice was carried, who proclaimed the leper unclean or who wrote the Torah scroll for a king, it is not so much the conclusions that are important as the illustration that the Pentateuchal text generated a process which led to ritual and civil practice. In other words, this is not a halachic manual but a tool that allows the student to see the relationship between the Pentateuch and practical law.

The contribution of this thesis has been to assess PsY through a study of its halachic material- an area that had been severely neglected in the past. Our conclusions regarding date, sources, purpose and composition contain no great surprises. But we can now say that we have a far clearer idea of PsY's relationship with rabbinic tradition and that we can now understand why it is not as idiosyncratic in its halachic content as it appears at first sight. We have been able to explain his

²⁷² Most of PsY's references to the Bet Midrash occur in conjunction with the narrative portions of the Pentateuch. Amongst these are Genesis 9,25; 14,18; 22,19; 24,62; 25,22; 25,27; 37,2; 47,27; Exodus 18,7; 33,7; 39,33; 40,20; Numbers 24,2; 24,5; Deuteronomy 1,38; 28,6; 29,3; 30,14; 31,1; 33,18

halachic material in a way that that allows future scholars take a far more integrated look at this Targum.

When we began this research it was generally considered that PsY was an eccentric work which contained many halachic statements unknown to the rabbinic corpus. The fact that we have now discovered that PsY is rooted firmly within, and largely dependent upon, rabbinic tradition has in no way lessened the appeal or even eccentricity of this fascinating Targum. We have suggested that PsY was a literary work, composed for the *Bet Midrash* sometime after the Muslim conquest. It may be, as Shinan argues, that PsY's standard inclusion in rabbinic Bibles was no more than an accident of publishing history. But if so it was a very fortunate accident, and one which has enabled us to learn a great deal.

APPENDIX I- CLASSIFICATION OF VERSES

This Appendix lists all the verses in PsY that have halachic content. I have excluded all verses which are literal translations, or in which the halachic significance is the same as in the Masoretic text, other than those verses which have been used by previous researchers to suggest that PsY is in conflict with normative halacha, such as Numbers 30,4 (page 63) or Leviticus 16,27 (page 81).

The verses have been listed under the same headings that we have used throughout this study. Some verses occur under more than one heading, this is because they contain more than one expansion in PsY and each expansion falls into a different category.

Verses printed in bold have been discussed in this study.

MATERIAL THAT SHOWS AN AFFINITY WITH RABBINIC SOURCES OR TARGUMIC TRADITIONS

Clarification of Text

Exodus	Leviticus	Numbers	Deuteronomy
12,9	1,6	28,7	24,4
21,2	5,10	28,26	24,12
	12,17		
	12,46		
	13,45		
	16,21		
	19,26		
	19,32		
	24,16		
	25,47		

Midrash-type and Exegetical Interpretations

Exodus	Leviticus	Numbers	Deuteronomy
21,5	11,36	5,15	16,20-2
22,8	11,37-38	6,13	18,3
22,16	11,39	6,18	22,9
22,20	15,4	30,15	25,6
	16,10		
	19,20		
	20,10		
	20,14		
	21,3		
	24,7		

Descriptions of how the law is applied in practice.

Exodus	16,29	23,11
	21,3	23,12
12,2	21,4	23,18
12,7	21,6	30,21
12,8	21,7	
12,9	21,8	
12,1	21,11	
0	21,12	
12,1	21,14	
3	21,15	
12,1	21,17	
5	21,19	
12,2	21,20	
0	21,22	
12,2	21,24-5	
2	21,26	
12,2	21,28	
4	21,29	
5	21,30	
12,4	21,37	
4	22,2	
12,4	22,3	
6	22,5	
12,4	22,7	
7	22,9	
13,2	22,11	
13,1	22,12	
0	22,14	
13,1	22,24	
2	22,28	
13,1	22,29	
3	22,30	
13,1	23,1	
6	23,7	
16,5		

Leviticus

	11,36	16,27	21,9
1,2	11,42	16,29	21,18
1,5	12,3	17,13	22, 5
2,7	13,2	17,15	22,13
2,12	13, 3-4	18,21	22,22
4,10	13,10	19,10	22,24
4,15	13,46	19,18	22,27
4,22	14,7	19,24	23,27
5,1	14,8	19,28	23,36
5,3	14,15	19,29	23,40
5,4	14,37	19,30	23,42
5,8	14,57	19,31	24,8
5,15-16	15,2	19,33	24,14
6,8	15,3	19,35	24,15
7,29	15,9	20,2	24,20
7,30	15,12	20,5	25,9
7,32	15,19	20,7	25,25
8,12	15,23	20,9	25,17
8,21	15,25	20,11	25,29
8, 23	15,31	20,21	25,44
8,33	16,6	20,25	25,48
11,1	16,8	21,1	25,49
11,4	16,15	21,2	26,1
11,29-31	16,21	21,4	26,2
11,32	16,22	21,7	27,34

Numbers

5,6	15,4	19,9	30,7
5,8	15,7	19,11	30,8
5,10	15,13	19,13	30,13
5,17	15,19	19,14	30,16
5,18	15,20	19,16	31,20
5,19	15,22	19,17	31,22-23
6,2	15,38	28,4	35,11
6,15	18,9	28,5	35,17
6,19	18,13	29,7	35,18
6,23	19,2	29,13	35,19
8,2	19,3	29,31	35,20
9,2	19,4	29,39	35,30
9,7	19,5	30,3	
9,10	19,6	30,4	
9,12	19,7-8	30,6	

Deuteronomy

6,5	16,1	21,7	23,13
6,7	16,2	21,13	23,14
6,8	16,6	21,14	23,16
6,9	16,7	21,22	23,22
11,1	16,8	21,23	23,24
9	16,9	22,2	24,1
12,4	16,14	22,3	24,5
12,1	17,1	22,5	24,7
0	17,17	22,6	24,8
13,6	18,2	22,10	24,17
14,4	18,4	22,11	25,3
14,6	18,11	22,12	25,4
14,7	19,5	22,15	25,5
14,9	19,15	22,29	25,7
14,1	19,21	23,1	25,8
1	20,5-8	23,2	25,9
14,1	20,19	23,3	25,10
9	21,1	23,4	26,2
14,2	21,2	23,8	26,4
0	21,3	23,10	26,14
15,1			
7			

Targumic Traditions

Exodus	Leviticus	Numbers	Deuteronomy
2,21	4,5	5,22	14,21
12,43	4,16	19,17	14,22
12,48	5,21	28,2	16,16
12,49	7,19	28,7	17,5
21,10	12,5	31,19	18,13
21,16	12,7	31,20	21,3
21,22-23	13,18		21,4
21,30	19,9		21,8
22,4	19,16		21,12
23,2	19,28		22,24
	20,11		23,25-26
	21,5		24,6
	21,20		24,11
	22,4		25,1
	22,16		25,7
	23,11		25,8
	23,29		25,13
	24,18		26,3
	25,29		
	25,35		

MATERIAL THAT DOES NOT SHOW AN AFFINITY WITH KNOWN TRADITIONS, BUT THAT IS ATTRIBUTABLE TO THE TARGUMIST'S INDEPENDENT REASONING.

Clarification of Text

<u>Exodus</u>	Leviticus	Numbers	Deuteronomy
	1,8	5,13	13,6
13,14	1,16	6,11	15,2
21,19	1,17	30,11-12	16,3
22,17	5,5		18,1
31,16	7,16		22,6
	7,18		23,13
	7,24		23,15
	7,27		
	11,21		
	12,4		
	15,11		
	19,27		
	21,22		
	24,2		

Midrash-type and Exegetical Interpretation

<u>Exodus</u>	Leviticus	Numbers	Deuteronomy
12,2	1,4	18,30-31	14,23
21,13	1,14	30,15	17,8
22,19	2,2	9,10	17,15
	9,16		25,12
	16,21		
	24,2		
	25,23		

Descriptions of how the law is applied in practice.

Exodus	Leviticus	Numbers	Deuteronomy
12,46	4,3	5,7	14,1
21,36	5,4	5,17	16,7
22,8	6,13	15,4	17,4
30,19	6,21	19,9	17,18
	11,37-38	19,14	18,3
	18,6		18,10-11
	19,17		21,2
	20,15		23,17
	21,10		24,1
	25,26		24,8
			24,14
			24,16

TRANSLATIONS AND EXPANSIONS OF UNCLEAR ORIGIN

Exodus	Leviticus	Numbers	Deuteronomy
12, 3-4	11,11	18,8	17,16
12,46	13,45		22,26
23,4-5	15,18		26,12-13

APPENDIX II- THE HALACHA IN PRE

There has been no systematic survey of the halacha in Pirkei d'Rabbi Eliezer. This appendix sets out to do that and to flag those halachot which may cast some light on PRE's relationship to PsY.

PRE was known to and used by many of the rabbinic authorities in the post-Geonic age. Luria²⁷³ lists those authorities who cite PRE, they include Nachmanides, Mordechai, Tosefot, Rashi and Arukh. PsY by contrast may have been unknown until the 14th Century when Recanati's commentary appeared in which he quotes extracts from PsY. PRE is therefore a mainstream work. If, as PsY, it did originally contain minority halachic rulings, or those inserted as a result of the author's own reasoning, these could well have been "normalised" by legal authorities and their copyists.

Because of PRE's discursive nature, it is not always easy to discriminate between halachic statements or rulings and descriptions of the way things might have been done, which may be woven incidentally into the fabric of the text. For example in PRE 12, in the course of a discussion about ten wedding canopies that God made for Adam in the Garden of Eden, the reader is asked "Is it not a fact that only one wedding canopy is made for every bridegroom whilst three wedding canopies are made for a king?"²⁷⁴

Does one take this as a halachic statement, that a king requires three wedding canopies? Probably not since we have nothing in any other source which remotely supports or refutes the statement.

But in PRE 20, we are told that it is a *mitzvah* (religious duty) to add water to the remaining drops of wine in the cup over which the benediction for the termination of Sabbath is said, and to drink this and place it on the eyes. This is a custom that is attested to by the Geonim and from PRE's use of the term *mitzvah* we are compelled to classify this as an halachic statement.

These two examples illustrate the boundaries within which we have to operate when deciding whether or not a particular comment should be regarded as an halachic statement.

²⁷³ see Luria's introduction, p.13a. Luria considers that this statement may be based on the palanquin that Solomon made in Song of Songs 3,9-11 which was made of three different materials.

²⁷⁴ Friedlander's translation, p88.

Additionally PRE contains references to a number of practices which were known to other late authorities and which do not derive from talmudic sources. In this category we include the requirement to bury the circumcised foreskin in the dust, the placing of a chair for Elijah at the circumcision ceremony and the requirement for the congregation to stand- apparently all day- on Yom Kippur.

In compiling the list of halachot found in PRE, I have excluded all statements which directly derive from biblical texts, *unless* the halachic tradition interprets them differently from the straightforward biblical meaning (e.g. Exodus 21,24- “an eye for an eye...”), or PRE in some way qualifies, expands or contradicts the biblical text. So statements such as “all clean domesticated animals that are not carrion nor torn in the field may be eaten, apart from three things, their fat, blood and sinew of the thigh” (PRE 11) are not included.

The halachic statements that PRE makes, within the parameters outlined above, are:

PRE 8

Intercalation of the months takes place in the presence of 3 men. R. Eliezer says in the presence of ten men, if less they place a Torah scroll in front of them.

PRE 9

Clean birds are distinguished by their crop and peeling craw. Rabbi Eliezer adds by the projecting toe.

Turtle-doves and pigeons are the only sacrificial birds.

Clean grasshoppers require long jointed legs and wings which cover the body.

PRE 11

The slaughter and method of consumption of clean domesticated animals is similar to the rules observed with birds.

All creeping things (שרץ) are unclean (i.e. not just the 8 species listed in Leviticus 11, 29-31).

PRE 16

Wedding feasts last seven days (also in PRE 54).

A bridegroom is to be praised all seven days of the feast.

A bridegroom should not go out into the street unaccompanied.

A bridegroom dresses in garments of glory all seven days.

A bridegroom has feasts before him for seven days.

PRE 17

Mourners, after the temple had been destroyed, were to go to the synagogues and study houses, where the congregants would sit with them upon the earth.

Mourning ritual lasts for seven days (also in PRE 54).

PRE 18

The following constitute "keeping the Sabbath":

Not performing any work

Not kindling fire

Not leaving or entering the domain, even by so much as one footstep.

Not carrying anything more than 4 cubits (Friedlander: which is not his food or that of his cattle) and not crossing from domain to domain (Luria only)

PRE 19

The following testimonies (rituals) require the presence of ten men: Circumcision, "the testimonial of the dead"²⁷⁵, the Sanctification of the Name, the ceremony of Halitza whereby the brother of a childless man is absolved from marrying his widow, marriage.

PRE 20

At the outgoing of the Sabbath the Havdalah ceremony comprises a blessing "who creates the lights of fire" to be made over wine and fire followed by the further blessing "who distinguishes holy from profane."

In the absence of wine he spreads his hands out towards the fire and looks at his fingernails.

If on a journey he uses the stars. If the sky is dark he uses a stone.

Following the Havdala ceremony one is to add water to the remaining drops of wine in the cup, and to drink this and place it on the eyes.

²⁷⁵ See Luria's note ad loc.

PRE 23

The oath made to Noah is to be recited daily.

PRE 29

Only the vine tree is subject to *'orlah* (i.e. the prohibition on the fruit of a tree during the first three years of growth).

One is obliged to engage in festivities at a circumcision ceremony.

Valid circumcision requires *pri'ah* (uncovering of the corona).

(Friedlander:

Not to eat, bathe with or touch an uncircumcised person.

Slaves are circumcised with or without their consent.

Proselytes are not believed for seven generations.)

Following circumcision, the foreskin is to be buried in the dust.

A chair is to be set for Elijah at every circumcision ceremony.

PRE 32

The Paschal sacrifice is brought only when one is satiated with food.

PRE 35

Lentils are the food of mourning.

PRE 37

Firstborn which are guarded (שמיירת עין) are required to be tithed.

PRE 38

The ban (Herem) has the same force as a vow.

The Cutheans are under the ban and no Israelite is to eat their bread.

PRE 40

To remove one's shoes when standing in a holy place.

PRE 44

The prayer leader is forbidden to officiate unless he has one man on either side of him.

PRE 46

Shofar is blown on the first day of Ellul each year.

The congregation stand upon their feet on Yom Kippur.

PRE 47

(Friedlander: Non-Israelite wine is forbidden.)

The Halacha in PsY and PRE

One of the difficulties that we will encounter in comparing PsY's halachic comments with those of PRE is that PsY is obliged to operate within the confines of the Pentateuchal text. PsY can only translate biblical verses and base his halachic comment on that verse. PRE on the other hand is free to introduce any subject that pleases him. PsY would have difficulty for example in introducing any halachic rulings on the termination of Sabbath ceremony since this was a far later innovation which is absent from the biblical text. So the absence of a ruling in PsY corresponding to a ruling in PRE can tell us nothing, unless the ruling in PRE is fundamental to the interpretation of a Pentateuchal verse.

The discussion below therefore deals only with those halachot from the list cited above, where PsY also expresses a legal opinion. The only times when PsY is silent that we will discuss PRE will be when the latter may stand accused of introducing an otherwise unattested ruling, which may have a bearing on our discussion. In every case the paragraph headed "a)" discusses PRE's comment, and "b)" discusses PsY.

We should note that Luria devotes a large part of his detailed and significant commentary to reconciling differences between PRE and the halachic literature. Within the precise and casuistic framework of halachic debate, such approaches are valid.

However, from the perspective of academic scholarship, this is not acceptable. Luria argues for example²⁷⁶, that when PRE says the wings of a clean grasshopper must cover the whole of the body, he means to say 'the majority of the body', since the Talmud (B. Avodah Zarah 36a) cites an opinion that the 'majority is as the whole'. Such reasoning may be used to harmonise conflicting positions when unanimity of opinion is required in order to define a legal code. We

²⁷⁶ PRE 9, Luria edition p.21b, note 9.

cannot however assume that a statement is made *ab initio* in a particular way with the intention that it will be interpreted in a different way.

For the purpose of this study we will take PRE's statements at face value, bearing in mind of course the possibility of textual corruptions- but again not claiming textual corruption every time we are faced with a difficulty.

PRE 9

Clean birds are distinguished by their crop and peeling crow. Rabbi Eliezer adds by the projecting toe.

a) This is in accordance with M. Hullin 3,6. The Mishnah states anonymously that all three tokens are necessary in a clean bird. PRE establishes R. Eliezer as the authority who requires a projecting toe. The statement is wholly in line with the Mishnah. It is unclear why PRE cites R. Eliezer as the authority for the projecting toe, but this is not the only occasion on which he attributes to R. Eliezer a statement that appears anonymously elsewhere.

b) PsY to Leviticus 14,11 and 11, 13 also gives this ruling but follows the Mishnah more closely by not citing R. Eliezer, which of course would be difficult for him as a translator.

Turtle-doves and pigeons are the only sacrificial birds.

a) This is a fundamental sacrificial rule deriving from Leviticus 1,14.

b) PsY to Leviticus 1,14 concurs but develops the phrase *pigeons* (בני יונה) to conclude that turtle doves are to be sacrificed fully grown but pigeons are to be sacrificed as chicks.

Clean grasshoppers require long jointed legs and wings which cover the entire body.

a) M. Hullin (3,7) requires four wings, four legs, jointed legs and wings that cover the majority of body. PRE differs therefore over the need for four legs and over the extent to which the wings are to cover the body.

PRE is closer to the biblical text which does not require four legs. However, the bible also does not specifically require wings either, assuming no doubt that it is evident that all locusts have wings. PRE's inclusion of wings, albeit in a slightly different form, indicates that he is drawing upon rabbinic sources, even though he differs slightly from those known to us. B. Hullin (65a) discusses the meaning of the Mishnaic requirement for the wings to cover the majority of the body, and asks whether this means the majority of its height or of its circumference. The

conclusion is that it must cover the majority of both. PRE's requirement for it to cover the entire body may simply be a development of this, in order to exclude cases of doubt.

No other extant sources offer as wide an interpretation as PRE. However, PRE's interpretation is sufficiently close to the sources for us not to be able to categorise it absolutely as an unattested ruling.

b) PsY translates the biblical wording literally and as such does not make an halachic statement.

PRE 11

Domestic animals are declared clean as a result of two tokens- chewing the cud and having cloven hooves.

a) This is a fundamental rule deriving from Leviticus 11,3.

b) PsY Leviticus 11,3 & Deuteronomy 14,6 adds "and has horns". B.Hullin holds that an undomesticated animal requires horns as well as ruminating and having cloven hooves.

PsY, however, aware that the definition of kosher mammals also occurs in Deuteronomy 14, 3-6, may consider that the purpose of Leviticus 11,2 is to define undomesticated animals as a class of בהמה ("These are the wild animals (היה) that you may eat, from all the cattle (בהמה) that are on the earth"). He may consider that Leviticus 11,3 and its parallel in Deuteronomy 14, 6 are therefore concerned with undomesticated animals and since the only kosher undomesticated animals he is likely to have encountered are deer or wild goat, he can introduce "and has horns." The rules for the three domestic species meanwhile are clearly set out in Deuteronomy 14,4, where each species is referred to by name.

The slaughter and method of consumption of clean undomesticated animals is similar to the rules observed with birds.

This is a difficult and probably corrupt text that cannot contribute to our discussion.

All creeping things are unclean (i.e. not just the 8 species listed in Leviticus 11, 29-31).

a) Although Leviticus 11,41ff prohibits eating any creeping animal (טרוף), 11, 29-31 limits those which convey ritual impurity through contact to just eight species. Luria therefore chooses to understand this as referring to a prohibition against eating any creeping thing, rather than referring to ritual impurity through contact. However PRE does not mention eating, he simply says that all creeping things are unclean. This may therefore be an unattested ruling, but gives

Deuteronomy 22,5: *Cloaks of Tzitzit and tefillin, which are the adornment of men shall not be upon a woman, and a man shall not shave his armpit, and nakedness and his face to appear as a woman...* PsY does not correspond to Sifrei Deuteronomy.

Deuteronomy 24,5: *When a man marries a new wife, a virgin, he shall not go out in the army...* Sifrei Deuteronomy seems to be arguing against the tradition that PsY preserves.

Deuteronomy 26, 12-13: *When you will finish tithing all the tithes ...and you have given the first tithe to the Levite, the second tithe- that is the poor tithe to the stranger, to the orphan and to the widow, and they shall eat in your town and be satisfied and the third tithe you shall eat before the Lord...* Any agreement between PsY and Sifrei Deuteronomy is tenuous and cannot be counted upon.

In conclusion, the picture that emerges is quite confused. We have seen a number of verses where PsY seems to be identical to Sifrei Deuteronomy, so Sifrei Deuteronomy may have figured amongst his sources. We have also seen verses where PsY clearly differs. We have also seen a quite a few occasions where PsY's comments are to be found in Sifrei Deuteronomy, but are also found in other sources which we can assert more confidently were known to him. Add to this the verses where PsY seems to be using something similar but not identical to Sifrei Deuteronomy, and we face a very confused picture. The only safe conclusion that we can draw is that PsY did not make significant use of Sifrei Deuteronomy in a form in which we know it, and although he clearly had before him many baraitot that relate to the Book of Deuteronomy, there is no reason to assume that these formed part of a coherent midrashic compendium. The only literary texts which we know that PsY used on Deuteronomy were Mechilta, where it was relevant, and the Mishnah.

Midrash Tannaim

We have to be very careful when considering PsY's relationship to Midrash Tannaim. As a reconstructed text it is bound to contain inaccuracies, and since much of our investigation into PsY's sources hinges on his use of specific words and phrases, any inaccuracies in

Mourners, after the temple had been destroyed, were to go to the synagogues and study houses, where the congregants would sit with them upon the earth.

a) Mourning customs in the Tannaitic and even Amoraic sources differ greatly from those prescribed in normative halacha²⁷⁹. It would not be a surprise therefore to encounter traditions in PRE that are unknown today. The custom of sitting on the earth is well attested but the discussion in B.Moed Katan 23a-b indicates that the mourner was expected to sit in his house, not the synagogue. Soferim 19,12 however follows our reading, but the context- the additional service is mentioned- indicates that this practice took place on Shabbat only when the regulations of the seven days of mourning are suspended. The restriction of this practice to Shabbat receives support from *Sefer Hahilukim* where it is stated that in Babylon mourners are brought into the synagogue each day whereas in Israel they are brought in only on Shabbat²⁸⁰. However, although PRE states that the earlier custom of greeting a mourner in the Temple only took place on Shabbat, he does not specifically limit the synagogue custom to this day.

The discussion in M. Middot 2,2 is vaguely evocative of PRE's description of the practice of mourners in the Temple. According to the Mishnah, mourners and the excommunicated walked in a clockwise direction around the temple, according to PRE they entered through a separate gate.

Soferim 19,12 quotes Rabbi Eliezer as the authority for this regulation in PRE, which to Friedlander²⁸¹ and Margoliot²⁸² indicates that Soferim drew on PRE. Certainly we cannot date either work accurately enough to predict which is a source for the other. The mention in Soferim however does indicate that this was a practice carried out in some form in post-talmudic Palestine even if it carries no known halachic authority.

b) PsY says nothing about mourning rituals

PRE 18

The following constitute "keeping the Sabbath":

Not performing any work

²⁷⁹ See e.g M.Megillah 4,3 B.Megillah 23b, B. M.K 23a-24b

²⁸⁰ M. Margoliot- *Sefer haHalukim* 14, p.80

²⁸¹ G. Friedlander *Pirkei d'Rabbi Eliezer* p.122.

²⁸² M. Margoliot *Sefer haHalukim* 14, notes.

Not kindling fire

Not leaving or entering the domain, even by so much as one footstep.

Not carrying anything more than 4 cubits (Friedlander: which is not his food or that of his cattle) and not crossing from domain to domain (Luria only)

a) These prohibitions are so well attested that they do not require any discussion.

However, the reading in Friedlander which implies that food may be carried is likely to be authentic since it is so clearly at odds with accepted practice that we cannot imagine a later editor or scribe inserting it. It is more probable that this reading was taken out by later editors from the printed editions. Is it possible that we have here an unattested law or a scribal error?

b) PsY (Exodus 16,24) does not follow Friedlander's ruling but does include the rabbinic prohibitions against leaving one's domain and carrying more than four cubits.

PRE 19

The following testimonies (rituals) require the presence of ten men: Circumcision, "the testimonial of the dead", the Sanctification of the Name, the ceremony of Halitza, marriage.

a) Circumcision in normative halacha does not require ten men. However this whole passage is found in a very similar form in Midrash Psalms 92. The later codes²⁸³ recommend ten men for a circumcision if possible.

It is not clear what the testimonial of the dead is (עדות המת). The source of this is probably M. Megillah. 4,3 in which case the reference to the testimony of the dead is either the burial procession described there as "standing up and sitting down," (עושין מעמד ומושב) or the Mourners' Blessing, both of which do require ten men²⁸⁴. Luria however rejects this and believes that PRE's statement refers to the act of interment, in which case ten men would be required for the recitation of Kaddish, the Sanctification of God's name.

As noted above, burial customs in ancient rabbinic literature differ considerably from today, In the absence of any clearer evidence as to what the practice under discussion was, we can only say that this regulation is either consistent with M. Megillah 4,3 or refers to a different practice about whose nature we cannot be certain.

²⁸³ Tur Yoreh Deah 265, Shulchan Aruch Yoreh Deah 66

²⁸⁴ Y. Megillah 4,4 (75b) B. Megillah 23b.

The presence of ten men to sanctify God's name at key moments in the liturgy is a well attested halachic requirement, and derives from M. Megillah. 4,3.

The halacha regarding Halitza as introduced in M. Yevamot 12,1 requires three judges. There is no source which supports PRE's requirement for ten men. It may be, as Luria suggests, that ten men are called for in order to publicise the performance of the ceremony but this is little more than conjecture and cannot be substantiated.

The source which requires ten men for a marriage ceremony is the Tannaitic statement in Ketubot 7b. However there it refers to the "Blessing of the Groom" rather than the marriage ceremony itself, and we cannot be certain that PRE has this in mind.

Given that PRE consistently uses the word *testimony* throughout this passage, we could argue that in respect of marriages he is referring to witnessing a ceremony rather than just the benediction for the bridegroom. However we would then have to follow Luria in respect of the "testimonial of the dead" and infer that just as here PRE means the wedding ceremony, so too there he is referring to the act of interment.

Normative halacha however requires ten men to constitute a community in order to perform certain liturgical acts rather than as witnesses to ceremonies, and this is their role today in both the funeral and wedding services. This is indeed the reason why Luria wants to understand the "testimony of the dead" as burial. Furthermore the requirement for ten men in order to sanctify God's name indicates that PRE is concerned both with liturgical formulation and events that mark rites of passage. It is possible that this whole passage is concerned only with liturgical practice, but even if this is not the case, it only deviates from rabbinic sources in respect of circumcision and halitza.

b) PsY (Deuteronomy 25,7) is silent on all these issues with the exception of Halitza where he follows M. Yevamot 12,1 in calling for three judges. He also requires two witnesses in accordance with the discussion in T. Yevamot 12,7 and B. Yevamot 101a.

PsY to Exodus 12,3- 4 (page 167) does however exhibit some interest in the minyan, requiring a quorum of ten to eat the Paschal sacrifice, which seems unparalleled in rabbinic literature.

Other Targumim do refer to the blessing of mourners and the bridegroom, although they do not specify how these ceremonies were carried out.²⁸⁵

²⁸⁵ FT, Neofiti, Genizah FT to Genesis 35,9.

This seems to bear no resemblance either to Midrash Tannaim (p.72) or Sifrei Deuteronomy 96, p.158.

Deuteronomy 14,23: And you shall eat before the Lord your God in the place where He shall choose to make His name dwell, the tithe of your corn, your wine and your oil, and the firstborn of your cattle and your sheep, in order that you shall learn to fear the Lord your God all the days.

PsY: And you shall eat *the second tithe* the tithe of your corn your wine and your oil, and *also* the firstborn of your cattle and your sheep...

וּתִכְלֹן מֵעֵשְׂרָא תַנִּינָא....מֵעֵשֶׂר עִיבּוּרִיכּוֹן הַמְרִיכּוֹן וּמִשְׁחָכּוֹן וְכֵן בְּכוּרֵי תוֹרִיכּוֹן וְעִנִּיכּוֹן...

PsY seems to offer little on this verse other than a literal translation. The reference to the second tithe is clear from all sources. The insertion of וְכֵן before **firstborn** draws attention to the fact that the subject under discussion has changed from tithes to firstborn offerings.

Deuteronomy 16,7: And you shall roast it and eat it in the place which the Lord your God shall choose and you shall turn in the morning and go to your tents.

PsY: ...you shall turn in the *morning after the festival* and go...

...וּתְתַפְּנִי בַצֶּפְרָא מִיֶּפֶק חֲגָא וְתֵהֵךְ לַקְרוּךְ.

PsY agrees with R. Shimeon in Midrash Tannaim (p.92) who indicates that this means the morning after the Pesach sacrifice.

Deuteronomy 16:18: You shall set judges and officials for yourselves in all your gates, which the Lord your God gives you for your tribes, and they shall judge the people with a righteous justice.

PsY: You shall set *true* judges and *powerful officers*...

דִּינִין קְשׁוּמִין וּמְרַכִּין אֱלִימִין תַּמְנֹן לָכוֹן...

The difficulty that PRE presents is why this should only take place in the absence of wine. Luria conjectures that if one has wine one looks at the reflection of the fire in the wine, thus benefiting from the blessing. As above, there is too much similarity with normative halacha to suggest that PRE follows an unattested custom, but both cases do demonstrate the diversity of Jewish practice.

If on a journey he uses the stars. If the sky is dark he uses a stone.

This custom is known in the medieval literature²⁹⁰ but may derive from PRE. The normative halacha is that one does not make a blessing over the stars. However we appear to be in the realm of custom rather than halacha and as such PRE does not represent a view that is contrary to the sources. The custom of using a stone is similarly attested in Arba Turim but again PRE may be the source.

Following the Havdalah ceremony one is to add water to the remaining drops of wine in the cup, and to drink this and place it on the eyes.

Again this custom is known in the Geonic period²⁹¹. It seems to be a late custom and does not contradict any halachic authority.

PRE 23

The oath made to Noah is to be recited daily.

a) If a biblical quotation were to follow this statement, one would expect it to be the covenant between Noah and God (Genesis 9, 8-17) which would act as a proof text, showing why the oath is recited daily. But the text which follows this comes from the second paragraph of the Shema (Deuteronomy 11,21) which is read daily: "In order that your days and those of your children may be prolonged on the land which the Lord swore to your fathers to give them..." This refers to the promises made to Abraham, Isaac and Jacob.

It is possible that the quote from Deuteronomy is a later insertion, put in by an editor who was aware that the oath made to Noah is not recited daily. It is also of course possible that PRE saw the promises made to Abraham, Isaac and Jacob as part of the covenant with Noah.

The practice of reciting the oath daily is not recorded in any known source or liturgical rite and must be assumed to be an unattested halacha.

²⁹⁰ Arba Turim Orah Hayyim 296

²⁹¹ Mordechai loc. cit.

b) This subject is not to be found in PsY.

PRE 29

Only the vine tree is subject to 'orlah (in the first three years of growth trees are regarded as uncircumcised in that their fruit is prohibited).

a) The biblical text and subsequent rabbinic discussions are clear that all fruit trees are subject to the laws of 'orlah. Mishnah²⁹² & Sifra²⁹³ clearly imply that the vine counts as a fruit tree, but it is not the only one.

The statement in PRE is attributed to R. Zrika, (R. Ze'era in Friedlander). We must allow the possibility that it is a parenthetical statement and is not to be taken as the halachic position of PRE.

The Palestinian Talmud²⁹⁴ records Rabbi Meir's opinion that the only fruit trees are the olive and fig since all others may be planted for their timber rather than their fruit. It is possible that R. Zrika held the same view about the vine.

We cannot find a precedent for R. Zrika's view, but we equally cannot assert confidently that PRE regarded his view as definitive.

b) PsY does not hold PRE's view. He does however present an unconventional view that the fourth year fruit is to be redeemed from the priest rather than belonging to the owner of the tree²⁹⁵. Does the fact that both PsY and PRE cite unusual opinions in regard to 'orlah indicate that this ritual was regarded with special emphasis in their period, or that there was an antiquarian interest?

Not to eat, bathe with or touch an uncircumcised person.

a) M. Avodah Zarah 3,4 permits bathing in a bath devoted to an idol provided this is not the way in which the idol is worshipped.

One can assume from the numerous talmudic accounts of the rabbis discussions and indeed friendships with non-Jews that all the above practices were permitted.

²⁹² M. Orlah 1,5ff

²⁹³ Sifra Pta 3,3

²⁹⁴ Y. Orlah 1,1 (60b)

²⁹⁵ See the discussion in the previous chapter on Leviticus 19,24, page 90.

The allusions in this passage to the uncircumcised as “dead” and “dogs” is reminiscent of similar language in the New Testament with reference to Jews, (i.e. the circumcised). Although PRE is considerably later, it is reasonable to assume that this passage too is rhetoric rather than halachic.

b) PsY does not contain this rule. Indeed his treatment of foreigners is remarkably positive. In Deuteronomy 23,16-17 he forbids the sending back of an escaped foreign slave. PsY assumes that the slave escaped because he did not wish to be in an idolatrous environment. The obligation is to allow him to dwell amongst you, keep the commandments and to be taught Torah.

Slaves are circumcised with or without their consent

a) This contradicts the discussion in the Talmud²⁹⁶ based upon Mechilta²⁹⁷. The Talmud is concerned with whether or not the owner of a slave who refuses to be circumcised is obliged to maintain him. Of the various opinions given, none suggests that the slave be circumcised against his will. Indeed the accepted halachic ruling is that the master is obliged to sustain an uncircumcised slave if this was a pre-condition of his purchase.

b) If, as is likely, PRE requires all slaves to be circumcised whether willingly or compulsorily, this not only contradicts normative rabbinic tradition but also PsY. Exodus 23,12 provides the key word for the discussion in Mechilta, and PsY in this verse reads “in order that your uncircumcised slave may rest. Clearly PsY accepts uncircumcised slaves, PRE may not.

Proselytes are not believed for seven generations.

a) This quasi-legalistic statement certainly has no basis in halacha and may reflect the ongoing debate as to the merits of proselytisation. Rabbinic literature is replete with positive and negative statements about proselytes, which reflect both varying social conditions and the particular attitudes of the individuals making the statement. We cannot say that this injunction either complies with, or contradicts, normative halacha.²⁹⁸

b) By contrast, in the little that he says about converts, PsY reflects a positive view. In Numbers 10,29, in which Moses urges Jethro to accompany them for “the Lord has spoken good concerning Israel”, PsY inserts “the Lord has spoken *to do good to the converts*

²⁹⁶ B. Yebamot 48b

²⁹⁷ Mechilta Massechta d’Caspā 20, (p331)

concerning Israel". In Deuteronomy 23,16 PsY forbids the return of a slave who escaped from idol worship in order to *come under the shade of My presence*. Is this evidence that Targumim were used by converts who could not understand the original Hebrew?

PRE 35

Lentils are the food of mourning.

a) Again a quasi-legal statement that nevertheless finds parallels in rabbinic literature²⁹⁹.

b) PRE states this in connection with Genesis 25,30 where Esau asks for some of Jacob's soup. Both PRE and PsY state that Jacob is cooking lentils, and that this incident occurs on the day that Abraham died. Although PsY does not specifically make a connection between lentils and mourning the context is certainly clear. As to whether or not this is a halachic statement by PRE or merely reflection of custom, we can cite Tur OH 552 which prescribes the eating of lentils on the eve of the fast of Av. Tur is of course much later than PRE but may reflect how a custom at the time of PRE eventually became halacha.

PRE 37

Firstborn which are guarded (שמירת עין) are required to be tithed.

a) This is a particularly obscure statement, attributed by PRE to R. Ishmael. Luria cites an opinion that it refers to "doubtful firstborns" which whilst not sacrificed are nevertheless not allowed to be worked. However, a doubtful firstborn is not to be tithed³⁰⁰, which leads Luria to suggest that the correct reading should be "firstborn which are *not* guarded" and that this refers to people. Although people are not tithed, the context of this passage is that Jacob did in fact tithe his children as a result of the vow in Genesis 28,22- "... and all that You shall give me, I shall give a tenth of it to You." The result was that Levi was dedicated to temple service³⁰¹. The halachic ruling that we have here is then, presumably, limited to a situation such as Jacob's.

Luria views PRE as a fundamental part of rabbinic tradition, which derived from the teachings of Rabbi Eliezer. From his perspective it is necessary to harmonise difficult passages with religious tradition. But from an academic perspective we cannot accept his interpretation. If our

²⁹⁸ See for example Urbach, *The Sages*, 541-553 and my article in *Judaism Today*, Winter 1995/6 pp 4-7.

²⁹⁹ B.Baba Batra 16b, Genesis Rabbah 63,14.

³⁰⁰ B.Baba Metzia 6b

³⁰¹ cf. Genesis Rabbah 70,7 which also considers Levi to have been set apart as a tenth part.

statement is authentic, it was meant to apply to real situations, not to justify an aggadic expansion of the biblical text.

All in all this may be an halachic opinion that seems to contradict established sources, but we cannot be certain.

b) There is nothing similar in PsY.

PRE 38

The Cutheans are under the ban and no Israelite is to eat their bread.

a) M. Shevi'it 8,10 quotes R. Eliezer as regarding the eating of Cuthean bread as if it were pig flesh. PRE uses similar phraseology. R. Akiva in the same Mishnah seems to insist that R. Eliezer was misunderstood. The Palestinian Talmud³⁰² attributes a lenient opinion to R. Eliezer.

Buchler³⁰³ notes that the ceremony described in PRE to excommunicate the Cutheans corresponds with known Geonic practices.

PRE seems to follow a minority opinion in the Mishnah against the Palestinian Talmud. His phraseology shows that he is aware of the opinion. Cuthean is often used as a cognomen for Samaritan. The lengthy discourse that leads up to his ruling indicates that PRE may have been recording an anti-Samaritan or possibly anti-Karaite polemic of his time.

b) PsY does not mention this.

PRE 44

The prayer leader is forbidden to officiate unless he has one man on either side of him.

a) Friedlander, following Luria sees this as a statement referring to the proclamation of a public fast, which does require three people.

Mechilta³⁰⁴ which uses the same proof text as PRE, sets it in the context of a public fast, and says that three people must pass before the ark. Since there is no clear reason why the proof text of Aaron and Hur supporting Moses' hands should otherwise lead to the conclusion that the prayer leader must have one man on either side of him, it is likely that PRE is using Mechilta or one of its dependants as his source here.

³⁰² Y. Shevi'it 8,10 (38b)

³⁰³ A. Buchler *Revue des Etudes Juives* 43, pp 50 ff

³⁰⁴ Massechta d'Amalek 1, p180

Mordechai³⁰⁵ seems to have a version of PRE which limits this regulation to Yom Kippur. It is possible that the text of PRE is defective and the reference to a public fast has dropped out, or that the context of a public fast was evident to readers in PRE's time.

b) Despite PsY's frequent mentions of the Bet Midrash (study house) he does not mention the synagogue, its practices or public prayer.

PRE 46

The congregation stand upon their feet on Yom Kippur.

a) Although a custom that is still practised today³⁰⁶, the only relevant source comment on this subject is Yoma 87b which states that Shmuel would sit until the prayer leader reached the confessional prayer:

PRE seems to be recording a custom that is not based on any known earlier authority.³⁰⁷ But there is no conflict, the sources are silent on this matter.

b) PsY is also silent.

PRE 47

Non-Israelite wine is forbidden.

a) This occurs in Friedlander only. The prohibitions against gentile wine derive from Mishnah Avodah Zarah³⁰⁸.

b) PsY says nothing about this.

³⁰⁵ Yoma 725

³⁰⁶ cf Luria's comments on this passage.

³⁰⁷ Salo W. Baron, A Social & Religious History of the Jews (Philadelphia, 1987), Vol. 5, p 283.

³⁰⁸ Mishna Avoda Zara 2,3; 4,8; 5.1ff.

BIBLIOGRAPHY AND ABBREVIATIONS

ABBREVIATIONS

B.	Babylonian Talmud
FT	Fragmentary Targum
RShBY	Mekhilta d'Rabbi Shimon bar Yohai
M	Mishnah
PRE	Pirkei d'Rabbi Eliezer
PsY	Targum Pseudo Jonathan
Pta	Parshata (in Sifra)
T	Tosefta
TdBE	Tanna d'Bei Eliahu
Y	Palestinian Talmud
Yad	Maimonides Mishneh Torah

Where page numbers are given in relation to particular texts, these refer to editions as follows:

Mekhilta d'Rabbi Ishmael: H.S. Horowitz, Y.A. Rabin (Jerusalem, 1970)

Sifrei Numbers and Sifrei Zuta: H.S. Horowitz (Jerusalem, 1992)

Mekhilta d'Rabbi Shimeon Bar Yohai: J.N. Epstein, Jerusalem 1955

Sifrei Deuteronomy: (A.A) L. Finklestein, New York & Jerusalem 1993.

Targum Pseudo-Jonathan: E.G. Clarke, New Jersey, 1984.

Bibliography

(Citations in the text are to short titles, given here in brackets after the author's name.)

C. Adang, Muslim Writers on Judaism and the Hebrew Bible- from Ibn Rabban to Ibn Hazm (Leiden, 1996)

C. Albeck, The Mishnah (Jerusalem, 1988)

C. Albeck , "Halacha Hitzona b'Targumei Eretz Yisrael uv'Aggada", B.M. Lewin Jubilee Volume, ed J.L. Fishman, (Jerusalem, 1940), pp 93-104.

C. Albeck , Untersuchungen über die halakischen Midraschim, (Berlin, 1927), p. 154.

P.S. Alexander, "The Targumim and the Rabbinic Rules for the Delivery of the Targum", Supplement to Vetus Testamentum, 36, (1985), pp 14-28.

P.S. Alexander, "Jewish Aramaic Translations of Hebrew Scriptures", Mikra, ed. J. Muller, (Philadelphia ,1988), pp 217-251.

P.S. Alexander, "The Targumim & Early Exegesis of "Sons of God" in Genesis 6", Journal of Jewish Studies 23 (1972) pp 60-71.

J. Bamberger, "Halachic Elements in the Neofiti Targum: A Preliminary Statement." Jewish Quarterly Review 66, (1975) pp. 27-38.

Salo W. Baron, A. Social & Religious History of the Jews, (Philadelphia, 1958) Volume 5.

James Barr, The Typology of Literalism in Ancient Biblical Translations, (Gottingen, 1979).

Moshe J. Bernstein, "The Halakhah in the Marginalia of Targum Neofiti", Proceedings of the 11th World Congress of Jewish Studies, Division A: The Bible and its World, (Jerusalem, 1994).

J. Bowker, The Targum and Rabbinic Literature (Cambridge ,1969)

M.M. Brayer, "Midrashim u-Biurim Alumei M'kor B'Targum Ha-Arami LaTorah Hameyuhas l'Yonatan ben Uzziel". Jubilee Vol to Rabbi Dr Abraham Weiss (New York, 5724), pp 201-231.

M.M. Brayer, Researches in Targum Pseudo Yonatan to Torah (Bereshit) (Dissertation, Yeshiva University, New York, 5710).

S. Buber, Midrash Tanhuma (Lvov, 5643).

- A.N Chester, Divine Revelation and Divine Titles in the Pentateuchal Targumim (Tubingen, 1986).
- P. Churgin, "HaHalacha b'Targum Onkelos", Horeb, 9, (5706), pp. 79-93
- E.G. Clarke, The Aramaic Bible Vol 4: Targum Pseudo-Jonathan: Numbers dir: M. McNamara, (Edinburgh, 1996).
- E.G. Clarke, Targum Pseudo-Jonathan of the Pentateuch; Text and Concordance, (New Jersey, 1984).
- E.M. Cook, Rewriting the Bible; the Text and Language of the Pseudo-Jonathan Targum, (unpublished PhD Dissertation, Unibversity of California, Los Angeles, 1986).
- H. Danby, The Mishnah translated from the Hebrew, (Oxford, 1933).
- A. Diez Macho, Biblia Polyglotta Matritensia Series IV, (Madrid 1977-1989)
- A. Diez Macho, "The Recently Discovered Palestinian Targum; its Antiquity and Relationship with the other Targums". Supplement to Vetus Testamentum, 7, (1960), pp. 222-245.
- J.N. Epstein, Mechilta d'Rabbi Shimeon bar Yohai, (Jerusalem, 1955).
- J.N. Epstein, Mavo'ot l'Sifrot Hatannaim, ed. E.Z. Melamed, (Tel Aviv, 1957).
- J.N. Epstein , Mavo'ot le Sifrot Ha'Amoraim, ed. E.Z. Melamed, (Jerusalem, 1962).
- J.N. Epstein , Mavo l'Nusach HaMishnah, (Tel Aviv, 5724).
- J. Faur, "The Targumim and Halakah", Jewish Quarterly Review 66 (1975), pp 19-26.
- A.A (L) Finklestein, Sifrei to the Book of Deuteronomy, (New York & Jerusalem, 1993).
- G. Friedlander, Pirkei de Rabbi Eliezer (London, 1916).
- S.W.Gershon, Kol Nidrei - Its origin, development and significance, (Northvale, 1994).
- A. Geiger, HaMikra V'Targumav (Jerusalem, 5709).
- M. Gil, "L'Toldot Geonei Eretz Yisrael", Tarbiz, 44, (1975), pp.143-150.
- M. Gil , A History of Palestine 634-1099 (Cambridge, 1992).
- Y.D. Gilat, Mishnato shel Rabbi Eliezer ben Hyrcanos (Tel Aviv, 5728).
- M. Ginsburger, Thargum Pseudo Jonathan ben Uziel zum Pentateuch, (Berlin, 1903).
- L. Ginzberg , A commentary on the Palestinian Talmud (New York, 1941).

- L. Ginzberg, An Unknown Jewish Sect (New York, 1976).
- L. Ginzberg, On Jewish Law and Lore (Philadelphia, 1955).
- S.D. Goiten, Palestinian Jewry in Early Islamic and Crusader Times, (Jerusalem, 1980).
- M. Goshen-Gottstein, Fragments of Lost Targumim (Ramat Gan, 1983-9).
- Z.Y. Gottlieb, "Targum Yonatan ben Uzziel al HaTorah" M'ililah, 1, (5704), pp, 26-34.
- H. Graetz, A Popular History of the Jews From the Earliest Times to the Present Day, Translated by A Rhine, Ed. A Harkavy, (New York, 1930).
- P. Grelot, "Les targums du Pentateuque- Etude comparative d'apres Genese 4, 13-16". Semitica, IX, (1959), pp 59-88.
- S.Gronemann, Die Jonathan'sche Pentateuchubersetzung in Ihrem Verhaltnisse zur Halacha (Leipzig, 1879).
- C.J.R. Hayward, "The Date of Targum Pseudo-Jonathan", Journal of Jewish Studies, 40 (1989), pp 7-30.
- C.J.R. Hayward, "Pirke de Rabbi Eliezer and Targum Pseudo Jonathan" Journal of Jewish Studies, 42, (1991), pp 215-246.
- C.J.R. Hayward, "Red Heifer and Golden Calf: Dating Targum Pseudo Jonathan". Targum Studies Vol 1, ed. P.V.M. Flesher, (Atlanta, 1992).
- C.J.R. Hayward, Divine Name and Presence: The Memra, (Totowa, 1981).
- C.J.R. Hayward, "Targum Pseudo Jonathan and Anti-Islamic Polemic" Journal of Semitic Studies, 34 (1989), pp 77-93.
- Y. Heinemann, "Targum Exodus 22:4 and Early Halacha," Tarbiz, 38, (1968-9), pp. 244-6.
- Y. Heinemann, "Early Halacha in the Palestinian Targum" Journal of Jewish Studies, 25, (1974), pp. 114-22.
- Y. Heinemann, Aggadot v'toldotehen, (Jerusalem, 1971), p. 197.
- D. Henshke "L'Tiv Zikato shel HaTargum Hameyucas l'Yonatan l'Midrshi Hahalacha: l'Parshiyot Amah Ivriyyah" Tarbiz, 68, (1999) pp.187-210
- D. Hoffman, Midrash Tannaim l'Sefer D'varim, (Jerusalem, 1984).
- D. Hoffman, Midrashei Hahalacha (Berlin, 1888).

- D. Hoffman, Zur Einleitung in die halachischen Midraschim (Berlin, 1887).
- H.S. Horowitz, Y.A. Rabin, Mechilta d'Rabbi Ishmael, (Jerusalem, 1970).
- H.S. Horowitz, Sifrei to the Book of Numbers and Sifrei Zuta, (Jerusalem, 1992).
- C.M. Horowitz, Tosefta Attika, (Frankfurt 5649), p. 13
- S. Isenberg, "An Anti-Sadducean Polemic in the Palestinian Targum Tradition" Harvard Theological Review, 63, (1970), pp. 433-444.
- B.S. Jackson, "The Fence Breaker in Early Jewish Law", Journal of Jewish Studies, 25, (1974), pp 127-9.
- I. Jacobs, The Midrashic Process, (Cambridge, 1995).
- M. Jastrow, A Dictionary of the Targumim, The Talmud Babli and Yerushalmi and the Midrashic Literature, (Philadelphia, 1903).
- P. Kahle, The Cairo Genizah, (Oxford, 1959).
- A. Kasher, "The Historical Background of Megillat Antiochus," Proceedings of the American Academy for Jewish Research, 48, (1981), 207-30.
- M. Kasher, Torah Shelemah, Vol. 24 (Jerusalem, 5741).
- M.L. Klein, "A New Edition of Pseudo Jonathan", Journal of Biblical Literature, 94, (1975), pp. 277-9.
- M.L. Klein, "Converse Translation, A Targumic Technique" Biblica, (1976), pp. 60-71.
- M.L. Klein, Genizah Manuscripts of Palestinian Targum to the Pentateuch, Vols I-II, (Cincinnati, 1986).
- M.L. Klein, The Fragment Targums of the Pentateuch according to their extant sources, (Rome, 1980).
- M.L. Klein, "Associative and Complementary Translation in the Targumim", Eretz-Yisrael, 16, (1982), pp. 134-40.
- M.L. Klein, "The Translation of Anthropomorphisms & Anthropopathisms in the Targumim" Supplement to Vetus Testamentum, 32, (1981), pp. 162-77.
- M.L. Klein, Anthropomorphisms and Anthropopathisms in the Targumim of the Pentateuch, (Jerusalem, 1982).

- G. Kuiper, "Targum Pseudo Jonathan; A Study of Genesis 4:7- 10:16" Augustinianum, 10, (1970) pp 533-70.
- G. Kuiper, "The Pseudo Jonathan Targum and its Relation to Targum Onkelos", Augustinianum, IX, (1972).
- R. Le Deaut, Introduction a la Literature Targumique, (Rome, 1966)
- S. Liebermann, Sifre Zuta, (New York, 1968), pp. 92ff.
- Levi ben Solomon of Zolkiew, Ateret Shlomo, Zolkiew, 1793.
- E. Levine, "A Study of Targum Pseudo-Jonathan to Exodus", Sefarad, 31, (1971), pp. 27-48.
- E. Levine, "Some Characteristics of Pseudo Jonathan to Genesis", Augustinianum, XI, (1971), pp. 89-103.
- E. Levine, "Internal Contradictions in Targum Jonathan ben Uzziel to Genesis", Augustinianum, IX, (1969), pp.118-9.
- E. Levine, "The Aggada in Targum Jonathan ben Uzziel & Neofiti I to Genesis", Neofiti, Vol 1, ed. A. Diez Macho, (Madrid, 1970).
- S. Lieberman, "Shuv L'Sefer HaMa'asim", Tarbiz, 42, (1973), pp. 90-96.
- D. Luria, Pirkei d'Rabbi Eliezer, (Warsaw, 1852).
- M. Maher, The Aramaic Bible: Vol 1B Targum Pseudo Jonathan: Genesis, dir:M. McNamara, (Edinburgh, 1992).
- M. Maher, The Aramaic Bible Vol 2: Targum Pseudo-Jonathan: Exodus, dir:M. McNamara, (Edinburgh, 1994).
- M. Maher, The Aramaic Bible Vol 3: Targum Pseudo-Jonathan: Leviticus, dir:M. McNamara, (Edinburgh, 1994).
- Y. Maori, "Al Y'haso shel Targum HaTorah HaMeyuhas l'Yonatan ben Uzziel l'M'korot haHalacha" Te'uda, 3, (1983), pp 235-50.
- R. Margoliot, Margoliot HaYam (Jerusalem, 1971), p.111.
- M. Margoliot, Sefer haHilukim ben Anshei HaMizrach V'Eretz Yisrael (Jerusalem, 1938).
- M. Morgenstern, The Aramaic Versions of the Torah: Problems and Sources, (Unpublished thesis, University College, London, undated).

- E.Z. Melammed, An Introduction to Talmudic Literature (Jerusalem, 1973), pp. 233ff.
- M. Ohana "La polemique Judeo-islamique et l'image d'Ismael dans Targum Pseudo Yonatan et Pirkei d'Rabbi Eliezer" Augustinianum, XV, (1975), pp. 367-87.
- C. Pearl, Rashi, (London, 1988).
- M. Perez Fernandez, Los Capítulos de Rabbi Eliezer version critica, introduccion y notas, (Valencia, 1984).
- K.A. Pinsky, Nosei Klei Yonatan- Biur al Yonatan ben Uzziel al HaTorah (Jerusalem, 1978)
- Z. M. Rabinowitz, "Sefer HaMa'asim L'Vnei Eretz Yisrael", Tarbiz, 41, (1972) pp. 275-305.
- D. Ravel "Targum Yonatan al HaTorah" Ner Ma'aravi, 2, 5685, pp. 77-122.
- D. Reider, Targum Jonathan ben Uzziel on the Pentateuch copied from the London Manuscript (Jerusalem, 1974).
- Y. Reifman, "He'arot al-Targum haMeyuhas l'Yonatan ben Uzziel" Bet Ha-Talmud, 1, (5641), pp 313-316.
- A. Samely, The Interpretation of Speech in the Pentateuch Targums, (Tübingen, 1992).
- Reynolds & Wilson, Scribes and Scholars, (Oxford, 1991).
- A. Shinan, "Dating Targum Pseudo Jonathan: Some More Comments" Journal of Jewish Studies, 41, (1990), pp. 57-61.
- A. Shinan, Targum v'Aggada Bo (Jerusalem, 1992).
- A. Shinan, The Aggadah in the Aramaic Translation to the Pentateuch, (Jerusalem, 1979).
- A. Shinan, "Targum Yonatan UMidrash Pirkei d'Rabbi Eliezer" Te'uda, 11, (1996), pp 231ff.
- S. Speier, "Targum Yonatan on Genesis 24,56" Jewish Quarterly Review, 28, (1937-8), pp. 301-3.
- A. Sperber, The Bible in Aramaic I-IVB, Leiden, 1959-1973.
- D.M. Splansky, Targum Pseudo Jonathan- its relation to other Targumim, use of Midrashim and Date, (unpublished dissertation, Cincinnati, 1981).
- H.L. Strack, G. Stemberger, Introduction to the Talmud and Midrash trans. M. Bockmuehl, (Edinburgh, 1991).
- E. Urbach, The Sages (Cambridge MA, 1994).

G. Vermes, "The Targumic Versions of Genesis 4:3-16", Annual of Leeds University Oriental Society, 3, (1961-2), pp. 81-114.

E. Yitzhaky, The Halacha in Targum Yerushalmi I, (unpublished PhD Dissertation, Bar Ilan University, 1982)

E. Yitzhaky, "Jerusalem Targum A and the School of Rabbi Ishmael" Sidra 1, (1985) pp. 57-45.

A.D. York, "The Targum in the Synagogue and the School", Journal for the Study of Judaism in the Persian, Hellenistic and Roman Periods, 10, (1979), pp. 74-86

A.D. York, The Dating of Targumic Literature Journal for the Study of Judaism in the Persian, Hellenistic and Roman Periods, 5, (1974) pp 49-62.